

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

MARCH 7, 1974 TO MARCH 29, 1974

Index

Legislative Ethics Committee Report

Kennebec Journal
Augusta, Maine

HOUSE

Thursday, March 14, 1974

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

Prayer by the Rev. Robert Canfield of Gardiner.

The journal of yesterday was read and approved.

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

Ought to Pass**Printed Bill****Passed to Be Engrossed**

Mr. LeBlanc from Committee on Education on Bill "An Act Offering Alternative Arrangements for Funding of Students Living on Federal Establishments" (H. P. 2040) (L. D. 2574) pursuant to Joint Order (H. P. 2038) reporting "Ought to pass"

The Report was read and accepted 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.

By unanimous consent, ordered sent forthwith to the Senate.

Papers from the Senate**Report of Committee****Referred to 107th Legislature**

Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Payment of Patients at Certain State Institutions as Employees under Fair Labor Standards Act" (S. P. 774) (L. D. 2221) Emergency, reporting that it be referred to the 107th Legislature.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence and the Bill referred to the 107th Legislature.

Non-Concurrent Matter

Bill "An Act Relating to Dams and Reservoirs" (S. P. 916) (L. D. 2527) (H. "A" H-721) (H. "B" H-725) with the House insisting on March 12, on their action whereby the Bill was enacted on March 8.

Came from the Senate with that body insisting on their action whereby they

passed the Bill to be engrossed as amended by House Amendment "A" and House Amendment "B" as amended by Senate Amendment "A" (S-387) thereto and asking for a Committee of Conference.

In the House: On motion of Mr. Soulas of Bangor, the House voted to insist and join in the Committee of Conference.

Non-Concurrent Matter**Later Today Assigned**

Joint Order (H. P. 2025) Relative to Legislative Council Study of Utilizing the Women's Correctional Center at Skowhegan for a Veterans Home which was read and passed in the House on March 8.

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

In the House: On motion of Mr. Birt of East Millinocket, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act Repealing Discount Sale Price of Liquor in One State Store" (H. P. 1673) (L. D. 2066) which was passed to be engrossed in the House as Amended by House Amendment "A" (H-757) on March 13.

Came from the Senate with Report B "Ought not to pass" accepted in non-concurrence.

In the House:

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

Mr. KELLEHER: Mr. Speaker, I move that the House insist.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves the House insist.

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

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

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think the action of this House was well noted here in the last two votes that we

had on this bill. I would hope that the House would stand fast, reject the recede and concur motion and send this back to the other body where it belongs.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman's comments as to the action of this body the other day, but I am also a practical man, and I know just exactly what we are trying to do around here today. I think we can save a lot of time and deliberation and recede and concur this morning.

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

A vote of the House was taken.

49 having voted in the affirmative and 33 having voted in the negative, the motion did prevail.

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Amend the Industrialized Housing Law" (S. P. 927) (L. D. 2558) which was passed to be engrossed in the House as Amended by House Amendment "A" (H-746) on March 11.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "A" (H-746) and Senate Amendment "A" (S-393) in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, tabled pending further consideration and later today assigned.

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense" (H. P. 1991) (L. D. 2535) which was passed to be engrossed in the House as Amended by House Amendment "A" (H-729) on March 5.

Came from the Senate with the Bill passed to be engrossed as Amended by House Amendment "A" (H-729) and Senate Amendment "B" (S-390) in non-concurrence.

In the House:

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

Mr. DYAR: Mr. Speaker and Members of the House: I am somewhat concerned with this Senate Amendment "A" to L. D. 2535, the catastrophic medical bill. The Senate Amendment changes the bill considerably. I certainly approve of the formula set up on the second page of the amendment, but my main concern is the disappearance of some \$2 million.

This cigarette tax is geared to raise approximately \$2.8 million and if you read the money part of the section on the last page of the bill, we are talking in terms of \$805,000. So through this amendment, we have another \$2 million disappearing into the General Fund.

I think the cigarette tax increase was passed by this body to be used for catastrophic illness, and I hate to see \$2 million made available to the Department of Health and Welfare to be used for some of their programs when the intent of this legislation initially was the funding to go to catastrophic illness.

I hope somewhere along the line that this bill could be held up for a short period of time so this \$2 million could be rediscovered.

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

Mr. SUSI: Mr. Speaker and Members of the House: I believe the previous speaker is in error. Senate Amendment "A" is not a part of this bill in its present form. Senate Amendment "A" did take \$2 million off this purpose of the bill, but it is not included. The only amendment that is on it now is Senate Amendment "B", which increases to two and three-quarters percent the amount of percentage of the cigarette tax that is allocated to the distributors for affixing the stamps, which is a slight increase but apparently warranted.

I hope that you would recede and concur, and I would so move.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves the House recede and concur.

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

Mr. DYAR: Mr. Speaker and Members of the House: I apologize for

bringing this to your attention, but I am still concerned with the fact that Senate Amendment "A" does contain a formula provision which would place this money where it belongs. It would place it in the income group that is not covered by federal, state and local programs at the present time, possibly on the same assumption that the gentleman from Pittsfield, Mr. Susi, brought to your attention, my error between Senate Amendment "A" and Senate Amendment "B". I think possibly that Senate Amendment "B" is the rewrite of section 3454 and is very important to this piece of legislation.

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

Mr. JALBERT: Mr. Speaker and Members of the House: All we have done since the bill has come out in the original form is gild the lily for the tobacco dealers. This will come back for enactment. We can get at this bauble later on. I suggest we might let it go as it is this morning and when it comes back to us for enactment, we can get at it then.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I will agree with the gentleman from Lewiston. Probably he is correct in saying that it should come back to us.

This isn't going to cost the distributors a cent more or any more time. I am very much against this amendment. I am very familiar with stamping cigarettes because I have done it for quite a few years for a distributor. I used to do it nights for two or three hours, and the work isn't as much now as it used to be then, because that is before the machine came out. Now with the machine, they can just shift the die. I can't see where there is any additional expense. They may have to buy maybe 2,000 cigarette stamps, maybe at best a few thousand more dollars, but I can't see — as I read this, if I am reading it correctly, and I hope Mr. Susi will tell me if I am wrong, which I might be, I am reading $2\frac{1}{4}$ up to $2\frac{3}{4}$. That seems to me like quite an amount of money to pass on to distributors who are already making good money.

Cigarettes are the things that are carried on a cash-flow basis, and they have a good income from it. I am definitely against this amendment.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: It seems to me, if we recede and concur and go along with the Senate, what we are doing, we are accepting the Senate Amendment. I think we could expedite matters if we passed the amendment or killed the amendment this morning and it would save sending it back and forth so many times.

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

A vote of the House was taken.

Thereupon, Mr. Connolly of Portland requested a roll call vote.

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

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

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am very willing to stand on the roll call, and I assure you that when the bill comes up for enactment, I am going to declare myself as far as I am concerned on this measure here. I will tell you one thing here now, that suddenly the lobbying against the cigarette tax is suddenly subdued because the cigarette people will be delighted with this thing because they are going to make more money with the discount that they are giving them. I just want to get that on the record, and I am going to get other things on the record when the bill comes up for enactment.

The SPEAKER: The Chair recognizes

the Gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think if we vote to recede, this bill is on its way to enactment. I think this is very important, as many people have spoke in the past, that the idea to come to Maine with some type of health insurance or health aid where it is not provided. Therefore, I ask you to vote to recede.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to speak on this bill, but I feel I have to say something today. The bill has been gutted by what the Senate has done. It has taken out about two million dollars from that bill as I understand the amendment. That is why I would oppose the motion to recede and concur. If I am wrong, and before I speak further, I guess I would like to have the gentleman explain it.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House. I guess we all got off on the wrong foot this morning, including myself, on finding out exactly what was on this bill, but Senate Amendment "A" that would in fact have gutted out the bill was not even introduced in the other body. It really does not gut out the bill at all. The bill remains intact, the way it came from here.

Senate Amendment "B" that has been adopted in the other body is the amendment that would raise the allowable amount of money that the distributor would be allowed to take. I am not necessarily a friend of the distributor, but I do know that over the years that they are the one group, of course, that do have to pay for the stamps before they are even put on, and they do have to pay for the stamps before the cigarettes are sold. This does create some problems for them. I understand that type of thing, and that is why I was agreeable to go with the motion to recede and concur.

The SPEAKER: The Chair recognizes

the Gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I am a hundred percent in favor of this bill, I don't want to do anything to hurt the bill or lose it or anything like that. Here we are taxing cigarette smokers two more cents for a package of cigarettes, which we are all in favor of, and I don't think they are going to kick on it, but I do hate to see us tax another half a cent or so, just for the distributor's profit. This is just what we are doing, so I hope this morning you will vote against the recede and concur.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: What I am trying to get at, even though Senate Amendment "A" does put some guidelines into this legislation, saying where this money is going to be spent, what some of its purposes are to get in under catastrophic illness. I hope somewhere along the line this body will hold this bill up and get a House amendment introduced, attached to this bill, and send it back to other body.

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: Could I please have this tabled for one day, so that we can take this particular Amendment "A" off?

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Susi of Pittsfield to recede and concur and later today assigned.

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Provide a Maine Homestead Property Tax Exemption Law" (H. P. 2027) (L. D. 2568) which was passed to be engrossed in the House on March 13.

Came from the Senate with the Majority "Ought not to pass" report read and accepted in non-concurrence.

In the House:

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

Mr. LaCHARITE: Mr. Speaker, I move the House insist.

The SPEAKER: The gentleman from Brunswick, Mr. LaCharite, moves the House insist.

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

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

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

Thereupon, Mr. LaCharite requested a roll call vote.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I notice the sponsor is not in his chair, and I wish someone would table this until later in the day, when the man gets here.

Thereupon, on motion of Mr. LaCharite of Brunswick, tabled pending the motion of Mr. Simpson of Standish to recede and concur and later today assigned.

Messages and Documents

The following Communication:

THE SENATE OF MAINE

AUGUSTA

March 14, 1974

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

The Senate voted to Adhere to its action whereby it Indefinitely Postponed 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)

Respectfully,

Signed:

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

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

ORDERED, that the ban on smoking

in the chambers of the House of Representatives while in session, as authorized by House Order sponsored by Representative Bither on March 12, 1974, be lifted for the duration of the session.

The Order was read.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I expressed my feelings yesterday and asked you to discuss this among yourselves. What is most important in this House is the man standing before us, with his right arm having a mallet in his hand. He is the bossman. By the same token, this was a rule, Rule 25. It was removed as a rule of the House. It should have been put on through a rule order which would have been two-thirds. It wasn't; it was done by an order and I didn't question it then. I thought we would let it ride for two or three days, and I think the point has been made anyway, but I think it has been detrimental, and I think it would continue to be so if we do have to get out, and consequently, I hope I am not opening up a debate, if I did I would be sorry I put the order in. I hope the order receives passage.

The SPEAKER: Is it the pleasure of the House for the order to receive passage?

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, I move for indefinite postponement of this order.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, moves indefinite postponement of this order. The gentleman may proceed.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I don't propose to extend and debate on this, but I am very concerned about the hazards of smoking in this House, and I think this would be an excellent gesture to make on our behalf, the health of ourselves. I hope that we maintain the action that this body has taken on two previous occasions.

The SPEAKER: The Chair recognizes

the gentleman from Waterville, Mr. Ferris.

Mr. FERRIS: Mr. Speaker, Ladies and Gentlemen of the House: The distinguished gentleman from Lewiston yesterday announcing that he was going to introduce this order, forewarned us one of his reasons was that this ban on smoking has caused him to miss a couple of roll calls. I assure you that as one of the most aggrieved non-smokers in this House, and when I say aggrieved, I am referring to my dear friend and good gentleman, from Bath, my revered friend from Portland, Mr. Cottrell, my big buddy from Augusta, Representative Bustin, and no less Mr. McHenry from Madawaska, I am completely surrounded except for some temporary rest from the gentlewoman from Auburn, thank goodness for that.

I am supporting the gentleman from Stonington, Mr. Greenlaw, and I would like to relate a little story which has to do with Samuel Johnson, the great British lexicographer, who flourished in the 18th Century. He was, of course, the composer of the first-grade English Dictionary, and he was riding in a stage coach one day, it was a hot, sweaty, sticky day, and the lady sitting next to him, observed that, "Why Mr. Johnson, you smell." Mr. Johnson turned around to her and said, "No, Madam, you smell, I stink."

If I may borrow the inimitable style of the gentleman from Oakland, Mr. Brawn, and relate to you a personal experience of my own, which happened last night, I went home and was greeted by my wife at the door and she said, "Well, dear, how did it go today?" I said, "Fine, I went to the legislature," and she looked at me rather incredulously and said, "You don't smell like you have been to the legislature today." I said, "No, dear, it's not you don't smell like you had been to the Legislature today it's you don't stink like you've been to Legislature today." So I hope that the moral of the story — I hope we will be able to get rid of this stinky order.

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

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

of those of us who do not smoke is jeopardized by the smoke of those that do. The air in this chamber has never been so pure as it has been the last two days. I hope we stand firm in our action of the other day and defeat this order.

I would remind you that the other day I related a story about my good seatmate from Biddeford, with whom I travel on occasions, and I might add that he has not been any more difficult to travel with, due to the fact that he is smoking less. In fact, I have noticed an improvement in his attitude, so we are helping him also.

The SPEAKER: The Chair recognizes the Gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am going to vote with Mr. Greenlaw on this. The little protest the other day of the smokers in the House by going out to the back, merely because they didn't want to be here and we had to call them in, well, the few of us who don't smoke also spent most of last week in the back of the House because we couldn't sit in our seats because of the smoke. We had to be called back in, so it is six of one and a half a dozen of the other.

The little protest yesterday made me think of a bunch of little boys in the Spring out playing marbles, and when one kid couldn't have his way and the other one bickered with him, they all picked up their marbles and went home. For those who have to have something to do, if one of the pages will come forward, I have a bag of lollipops, or as some people refer to them, suckers, and for those who don't like lollipops, there is some bubble gum and maybe that will keep you content. I appreciate being able to breathe in here along with a few others.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman, Mr. Bragdon, from up in Aroostook County, last week reminded you of the past. I would like to say a few things about the past. In the past, we had a rule that there was no smoking in the House, but some kind lady could get up

anytime and make a motion that the gentlemen of the House could smoke, or the people in the House could smoke for the duration of the day, or for the next hour. This worked very nicely. In other words, I am a non-smoker and I didn't mind if people had a smoke once in awhile, and it was confined to a time, and you could leave if you wanted to. I thought this worked very nicely. It wasn't saying that you could not smoke, because nearly every day some kind lady would get up and say she would make a motion that the rule be suspended for the remainder of the day or for two hours, and I thought this worked very nicely. This is just a message from the past.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I stated yesterday that I would present the order today so that the people could think about it. The tempo of what your saying is, as far as I'm concerned, it means absolutely nothing to me. I haven't smoked for nine years, I don't intend to start, but those of you who want to smoke, smoke, and if you want to smoke outside, it is perfectly all right with me. As far as my clothes are concerned, I would suggest to the gentleman from Waterville, Mr. Ferris, that if he changes his brand and steps it up a little bit, why it won't stink so much.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I most heartily support Mr. Jalbert's order. I think we have had a lot of fun with this thing. When Mr. Bither put his order in, I really didn't think he was serious. I thought he was kidding. I still can't believe that even though a lot of the people here voted for the smoking ban, that they really do believe in this. I say this because I have been out in the back room. The other day I was out there and the room was filled with smoke and several of the people, who voted for the smoking ban, came out and joined us in the room that was full of smoke. If smoke bothers them that much, my question is, why did they come out there and chat with us when we were out there?

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I cannot imagine how we have managed to live

through the regular session, six months here, everybody smoking, everybody happy, and nothing said about this. We get along to the last part of the special session, and we have an awful time about this. Politics has always been held in smoke-filled rooms. I don't smoke myself, but I have no objection to it. As the gentleman from Buxton, Mr. Berry, has said, these people who are against it, you very often see them in smoke-filled rooms.

The SPEAKER: The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, 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.

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

Thereupon, the Order received passage.

On the disagreeing action of the two branches on Bill "An Act Relating to Dams and Reservoirs," Senate Paper 916, L. D. 2527, the Speaker appointed the following conferees on the part of the House:

Messrs. SOULAS of Bangor
KELLEHER of Bangor
HUBER of Falmouth

On motion of Mr. Curtis of Orono, it was

ORDERED, that David P. Micka, Alvin K. Mun and Stephen R. Allen of Orono be appointed Honorary Pages for today.

Mr. Dudley of Enfield presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary report out a bill providing for capital punishment for certain crimes with a referendum so that the people of the State of Maine may vote their approval or disapproval. (H. P. 2041)

The Order was read.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I would

like to pose a question to the gentleman from Enfield, maybe he could explain to us what motivated him to put such an order in?

The SPEAKER: The gentleman from Portland, Mr. Connolly, poses a question through the Chair to the Gentleman from Enfield who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I was motivated by my constituents, by great numbers of them. The time has come we should put a stop to this permissiveness in the State of Maine, and that we will at least have a deterrent that the people—I don't think that any judges we have today would probably use it, but they do feel as though this would be some deterrent in view of what's happening in this nation today. I do hope it passes and that the people will have a chance to express their opinions. The people in here today may express an opinion if they don't want it, but the people in my area expressed a very strong opinion that they do want it. This way, on a statewide basis, we can see what the people really do want, and it is possible that these people want something different and will have a chance to so vote.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would move a indefinite postponement of this order.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the indefinite postponement of this Joint Order. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 51 having voted in the negative, the motion did prevail.

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I have this morning two prepared statements. I have been in politics for 24 years on

various levels. I have placed my name on local and state ballots 22 times, including primary and general election contests. I was defeated only once and then by a fine and honorable man, Mr. Carlton Day Reed, Jr.

I fully realize where the heat is, and still choose to stay in the kitchen. As far as the news media goes, I have always been willing to take the good with the bad. I have never countered accusations, even though false or misleading, with any corrective reply or letter to the editors. I have always felt this to be a waste of time and energy, and not worthy of comment.

However, when other members of this honest, honorable and dedicated body are besmirched along with me, I am compelled to rise to their defense. A local Brunswick newscaster referred to certain members of this House as "snobbish bums, wallowing in the filth of Augusta."

Such a caustic and vitriolic phrase would never be used by a responsible person, regardless of the circumstances. Freedom of speech, under the first amendment to the United States Constitution, was never intended to be construed in this manner. For one I abhor such tactics. I can only question the underlying motives of a person willing to revert to such vindictiveness and am truly thankful that they are in the minority.

The foregoing tirade was engendered by an article in the Bath-Brunswick Times Record of the previous evening. This referred to comments made by two Sagadahoc County House members: Representative Kathleen Watson Goodwin and Representative Lorraine Chonko. They issued a prepared statement entitled, "House at its Worst."

They denounced "the childish behavior and crude remarks" made by certain members of our House of Representatives. They stated that, "a handful of legislators, only because of their dissatisfaction with certain activities at the University of Maine, attempted wholesale slaughter on the entire budget."

To drive home the emotional impact of our so-called misguided efforts, they

added that, "we would scrap educational subsidies, pollution control, tax relief for the elderly, Pineland, and the Children's Home in Bath." This statement must have been intended for propaganda purposes only, since it bears not one semblance of the truth.

This was proven by another statement in the same article which stated "Ross did not oppose the whole budget but just the \$33 million earmarked for the University." Furthermore, they failed to mention that when the whole appropriation bill was defeated, and it was defeated in this House, it was I who made the motion to reconsider.

However, all of this is their prerogative if they desire to distort facts or emotional appeal. I only take exception to one other quotation: "One other legislator (later referred to as Representative Ross) got so carried away with his rhetoric that he had his remarks stricken from the record." If the ladies from Bath and Topsham had been paying attention to the debate, they would fully realize that I did this only as a gesture of fair play. The gentleman from Caribou, Representative Briggs, felt that I had been allowed to stray from the subject matter and that he was not being permitted to do so. Although I had fully intended that my remarks be of record, I was willing to delete them in the spirit of cooperation.

This article, although perhaps well intended, was certainly not in the best of taste. Criticism by this type of innuendo serves little purpose, except to arouse public indignation against all of us. In my opinion, in our State of Maine, we should not revert to such political tactics.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: The papers of yesterday, the Kennebec Journal and the paper this morning, the Lewiston Sun, really rolls me over the coals by someone who is apparently quite friendly with homosexuals or close to them. I have letters this high congratulating me for my actions.

However, I would read one that is

contrary to that this morning. I am not going to read the letter, I am just going to read it from a young lady in another area than Lewiston, and in part it says: "In case you are uninformed on the subject, homosexual persons do perform functions in our society other than those sexual." I take the letter from whence it comes, number one. Number two, I voted to enact the budget, and number three, and much more important, it is very obvious that in the long long association and very close friendship with my friend from Bath, Mr. Ross, I haven't taught him a thing.

If the articles printed stated his name, spelled his name properly, if it was in his favor, he should buy a hundred copies or more and have them distributed. If it is against him, it is the opinion of one man. When am I going to be able to pound that into your head?

On motion of Mr. Simpson of Standish, the following tabled and unassigned matter was taken from the table:

Bill "An Act Relating to the Powers of the Milk Commission" (H. P. 2014) (L. D. 2554)

Tabled — March 8, by Mr. Simpson of Standish.

Pending — Passage to be engrossed

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

Mr. SIMPSON: Mr. Speaker, I move its passage to be engrossed.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to pose a question to any member of the Agriculture Committee. I have taken some interest in this bill, so much interest I even took time to read it. There is one thing I would like to ask the committee. In the Statement of Fact, other than the change of putting an additional member on the Milk Commission, why is this legislation needed? Why can't the Commission itself do just what is intended in the Statement of Fact? I have yet to find in the statutes where they are prohibited from doing what this watered down bill says that they should be doing.

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

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. Kelleher's questions, I think he is probably right in his implication that the Maine Milk Commission could have done a lot of these things under their own papers. But the reason that we have had bills in on the subject is because they haven't.

As Mr. LaPointe was told by the Chairman of the Maine Milk Commission, he had to bring his problems to the legislature. So we have made some changes in the law that force the Maine Milk Commission to change some of the things that they have either been reluctant to do or have refused to do. One of these things is, they have refused to get rid of the bracketing system. That system was an automatic price increasing system that said that if the producer got X-amount for their milk, that the processor or the dairy automatically got an increase, whether that increase was justified or not.

We have written into the Milk Commission law that no price increase can be granted unless it is justified on its own merits. That, I think, binds them to look at the producers' problems specifically and independently or look at the processors' problems specifically and independently. So we are not going to have any automatic price increases that we have had in the past.

Secondly, we have changed the law in a way that binds the Commission, something that they couldn't have done on their own, and that is to say that the evidence presented as to the size of the container and the type of container used must be admitted into evidence and that if there is evidence showing that these two items could provide a variability in the retail price of milk, they must set the retail price of milk, they must set the retail price to correspond to that information.

I have been told that the variation in price between a plastic quart container and a gallon glass container could be

considerable, could be enough to bring our prices down into very close competition with New Hampshire's prices. And I have a feeling with the passage of this particular bill, you will see evidence of that nature presented to the Milk Commission and they will have no choice but to accept that and to allow it to reflect in the retail price of milk.

I am not going to stand here and promise you that the price is going to go down X-pennies a quart or X-pennies a gallon, but I do think it is very realistic to think that that would happen or could happen.

Finally, the Maine Milk Commission has been changed slightly in its makeup. One, we have added a retailer to it, who I think could probably be considered to be a consumer member in that he would have that end of the market in mind. And more important, we have said that one of the consumers must be a member of a state-wide consumer organization. Hopefully this will end the criticism of the consumers we do have on the board saying that they have not adequately represented consumer interests. We will have an activist person on that board with a large constituency who will represent those consumer interests. We won't allow things to occur as they have occurred in the past where pressure builds up within our closed milk-pricing system to the point where we have to have them ask for price increases. That won't happen.

Finally, we have required the Commission to have public hearings every time the retail price of milk is going to be raised or there is a proposal to raise it, and we have required them to have public hearings, even when they are raising the price, the hundredweight price of milk in response to federal orders. That is something they don't have to do now. They have no control over it, but we felt that if they were required to have a public hearing and people had a chance to come and see what was happening, they would understand it and we wouldn't be allowing pressure to build up within the milk pricing system that would eventually lead to a lot of dissatisfaction and criticism.

I hope these points have answered Mr.

Kelleher's questions. Although the bill is a compromise, it doesn't just take the lid off the pressure cooker all at once. It does make some significant changes within the structure of the Milk Commission and should have an effect on the price of milk and the milk marketplace.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I don't want to take much time, but I would like to direct one more question to the gentleman from Sabattus. If this piece of legislation passes, can we expect the price of milk to be reduced beyond \$1.62 a gallon?

The SPEAKER: The gentleman from Portland, Mr. Connolly, poses a question through the Chair to the gentleman from Sabattus, Mr. Cooney, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. COONEY: Mr. Speaker and Members of the House: I don't have a crystal ball, and I can't make an accurate prediction, but the mere inclusion of the lines in the bill that says that they must take into consideration the size of the container and the type of container when they set the price and that it must be reflected in the retail price gives a statutory basis for some efficient dairy, for instance, to come in and say, "We can deliver a gallon glass jug for 15 cents less a gallon than the fellow who is delivering plastic quarts." They must take that into consideration; that is what the law says, and that is the intention of the Agriculture Committee. It is my intention, I am sure. If passed, it is the intention of the legislature. So it is my expectation that evidence would be presented to the Commission, they would take it into consideration and there would be a drop in the price of milk in certain containers and certain sizes of containers.

That is my feeling, but what the Milk Commission does, I can't predict.

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

House Reports of Committees Referred to 107th Legislature

Mr. Wood from Committee on Transportation on Resolve, Providing Funds for Supportive Facilities to Facilitate Transportation between Cousins and Great Chebeague Islands (H. P. 1740) (L. D. 2186) reporting that it be referred to the 107th Legislature, for study.

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

Ought to Pass in New Draft New Draft Printed

Mr. Farrington from Committee on County Government on Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service. (H. P. 1688) (L. D. 2081) Emergency, reporting "Ought to pass" in New Draft (H. P. 37) (L. D. 2572) under same title

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

Divided Report

Report "A" of the Committee on State Government on Bill "An Act Reorganizing Executive Staff Functions" (H. P. 1902) (L. D. 2410) reporting "Ought to pass" in New Draft (H. P. 2039) (L. D. 2573) under new title "An Act Creating the Office of Executive Management and Providing for the Reorganizing of Executive Staff functions"

Report was signed by the following members:

Messrs. SPEERS of Kennebec
CLIFFORD of Androscoggin
—of the Senate
Messrs. CURTIS of Orono
FARNHAM of Hampden
SILVERMAN of Calais
GAHAGAN of Caribou
STILLINGS of Berwick
BUSTIN of Augusta
Mrs. GOODWIN of Bath
NAJARIAN of Portland
—of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington
—of the Senate.

Mr. CROMMETT of Millinocket
—of the House.

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

Report was signed by the following
member:

Mr. COONEY of Sabattus
—of the House.

Reports were read.

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

Mr. CURTIS: Mr. Speaker, I move
acceptance of Report A and would speak
briefly to my motion.

The SPEAKER: The gentleman from
Orono, Mr. Curtis, moves the acceptance
of Report A.

The gentleman may proceed.

Mr. CURTIS: Mr. Speaker, Ladies and
Gentlemen of the House: The divided
report from the State Government
Committee has three different reports,
as you have just heard read. The first
one with 10 signers is Report A. It is
basically a redraft of a proposal that was
brought to us by the Maine Management
and Cost Survey and on which we have
spent some time in committee and some
of our staff's time coming forth with a
document which is now L. D. 2573. This
has an extensive Statement of Fact
explaining what would be done if this
piece of legislation were enacted.

Basically what would happen is that
there would be some provision for the
orderly transition of government
between the present administration and
the future administration which will be
elected next November. Also, there
would be some provisions made, we
would hope, for a more effective and
efficient organization of the executive
branch of government.

Report B, signed by two members of
the committee, recommends that this
concept "ought not to pass." And Report
C, which is signed by one member of the
committee, who has his microphone up
right now, and I am sure he may be
interested in explaining it himself, is the
basic provision that was provided to us
by the Maine Management and Cost
Survey and which the executive board of
that organization, that Commission,
strongly recommended. I said initially
that the legislation which I am
supporting here, L. D. 2573, is the result

of some recommendations that were
brought to our attention by the Maine
Management and Cost Survey, but I
would like to make it very clear that the
Maine Management and Cost Survey
Executive Organization Committee does
not support this bill. They would prefer
to have the draft that they initially
presented to us which, in my opinion at
least, would have provided for a little too
strict a listing and arrangement of the
executive branch of state government.

Again, in my own opinion, the
legislature ought to be very careful
about how many specifics we provide for
the executive branch when, after all, we
are not really that terribly familiar with
the operations within the department. I
think that L. D. 2573 is a good bill. It
will be around for a while, and I recommend
that you look it over and read the
Statement of Fact in particular.

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

Mr. COONEY: Mr. Speaker, Ladies
and Gentlemen of the House: On the last
bill I was up explaining a compromise
redraft. On this one I am offering to you
the original bill as presented and asking
you to consider that in a favorable light,
vote against the compromise committee
redraft.

I am the sponsor of this particular bill,
An Act Reorganizing Executive Staff
Functions, which is one of two or three of
the Maine Management and Cost
Survey's most important
recommendation. Of all the bills that
have been presented having to do with
the Cost Survey, this is one that Mr.
Longley and his colleagues feel is most
critical, and as sponsor, I felt a
responsibility to bring it out to you as it
was drafted, and the draft is the closest
thing of all those things presented to you
this morning to what Longley wants.

The whole theory behind the bill is to
improve executive control over the
government. One of the things that
Longley has maintained is that even
with government reorganization, the
Governor of Maine is weak, his control is
ineffective and indirect. It will be
necessary to improve that control to
improve the Governor and his control
over the government.

What this bill proposes to do is set up three management functions in the state government. It would establish an Office of Business Management and would include some of the business-type enterprises that the state is involved in, including such things as a state lottery. It would include an Office of Government Policy, and it would include an Office of Finance and Administration. So you can see that three very basic management functions would be covered in the bill.

I do feel a responsibility to explain this to you, and I do feel a certain need to advocate it to you. I believe that this is the direction we should be going in, and I do believe that it is our responsibility as a legislature to set these things down in law, regardless of who the next Governor is, to give him a structure that will give him strength in his office, whether he is a Republican or a Democrat.

I leave it to you to read the drafts. I would ask for a division, Mr. Speaker. I will ask you to vote against the Majority Report, because it really does very little. It sets up kind of an interim study under Governor Curtis and then sort of a study proposal once the new Governor is elected, and then it pretty much self-destructs. It really does nothing to achieve the Longley Commission plan.

So I bring you Report C, which is the original bill. Although Longley said, as he said with many of these bills, that it did not do everything he wanted, it went substantially in the direction that his Commission felt this bill should go. So I hope you will vote against the pending motion and I would then make a motion to accept Report C.

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

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I am a signer of Report A, the majority "ought to pass" report. I think it is a good time to reflect on some of the positions that the Longley Commission has taken. In my opinion, many of their decisions, although sound in the private sector, do not necessarily hold to be true and in the best interest of the public sector. The Governor is not, in my mind, intended to

run his office as the president of a corporation is, but as the Governor of the State of Maine.

The report which Mr. Cooney has signed, the original bill, puts too many controls on the Governor. The Governor, in my mind, as a political animal, has to exert his own style in the policymaking of government. He is not as involved in the everyday functions of the Governor's Office as the president of a corporation is. For this, if not for only this reason, we should accept Report A, the majority "ought to pass" report.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: As a matter of fact, it is my understanding that the Longley Commission recommended that the executive staff function reorganization be thoroughly studied. And while they often complain that the people who drafted the bill did not draft them according to their recommendations, this bill was not drafted that way, according to the recommendations either, but somewhere along the line, they fell in love with this bill that was drafted not according to the recommendations. They recommended a thorough study, and that is what Report A provides for.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I get a little confused, I guess, as I read the two bills. I think the gentleman from Sabattus, Mr. Cooney, brought out some points that I quite frankly agree with. I am sure you are going to say that very seldom do I agree with him. I would agree with him that the Governor is weak, but I am sure he didn't mean the present Governor.

The one thing that bothers me about this redraft is that we are in a position right now where we have a new Governor coming on board. It has been brought out that there is a governor-elect, and it would seem to me that it is kind of ridiculous to bring on a director in this group right now that is going to work between now and January, when the new Governor comes on board

he is going to appoint a new director that is going to do almost the same identical thing right over again.

I probably could support the bill if we were going to have a director that was going to handle the whole thing and carry it all the way through. I think it has got an appropriation of \$12,500, something like that on the bill, which to me, I am just not convinced in my mind yet that that is the proper way to go. If we could amend the bill to take out the second director, I might go along with it. Otherwise, I don't think I can support it. I think the new governor ought to have his own study and determine what he could do to strengthen the Office of Governor when he comes on board.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: The way this bill is drafted, there could be two directors, one appointed by the present Governor, who would start the study and come to their conclusions. The bill allows the governor-elect to appoint another director if he sees fit and continue and get his own ideas into it.

It is very possible that the work done by the first director would be so thorough that the new governor might suggest only one or two changes and the whole bill be accepted.

I think there is an opportunity here to help in reorganization. I think the original bill was premature in that insufficient time was put into studying, and it would lock in the governor in spots where he shouldn't be locked in, and this does give the chance to do the job right. The \$12,500 is a very small appropriation, and I do hope you will go along and accept the majority "ought to pass" report.

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

Mr. COONEY: Mr. Speaker and Members of the House: I would like to respond to the comment that this bill needs more studying. I wonder what Longley and his associates have been doing for the last year and a half but studying to make these recommendations.

I think this legislature has been absolutely right in slicing some of these Maine Management and Cost Survey bills. As my seatmate says, it is not like a private corporation. But in the area of executive management, the whole purpose of our government reorganization and the Longley Commission people is to give the Governor some management controls. He is an elected official. For goodness sake, he makes political promises, he ought to have the power to carry them out.

If this particular draft isn't perfect, we all know it rattles around here for days before it gets passed, and we can sit down and work out bugs if there are bugs, but this has been studied, it has been drafted. I think it is a reasonable bill, and I would ask you to vote against the pending motion. I would ask for the yeas and nays.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to ask you to defeat the motion before the House, because I would like to have you accept Report B. I think what we are trying to do is to reduce the incoming governor, and I think the people of the State of Maine are intelligent enough to elect a good one. Goodness knows, they have got enough to choose from. I don't want to reduce him to a baby kisser. What we are trying to do is take away the functions of that office, and I want to leave the functions in the office as they are now. The governor can choose men from individual fields to work in his executive department. It has worked nice down through the years, and the State of Maine isn't that much bigger than it was when I came here many years ago, and it has been run very efficiently in the past by other governors and I would like to see it like it is now.

I notice that both men that signed the report may have been around here a long time, and they agree with me. I hope you don't accept the motion before the House.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: The report signed by my good friend Mr. Cooney from Sabattus in one fell swoop tries to accomplish everything that the Special Select Joint Study Committee on Government Reorganization could not come to grips with in a couple of years. It is very ambitious. It probably would not stand any chance of passage, as the gentleman from Caribou, Mr. Gahagan, said, its total presumption is that the Executive of the State of Maine is the same as the boss of General Motors. It creates not a governor but a czar with tremendous powers that few people in this legislature would like to see granted to the Chief Executive.

As far as the report that I signed, I would indicate this, that it does create two directors at an appropriation, not a substantial appropriation, but an appropriation. And in regard to the remarks by Mr. Simpson from Standish who said it might be acceptable if you took out one of the directors, that is a point that is well taken.

Even though I signed the report that I did, I would say to fellow members of the House that if you, in your wisdom, decided to go along with Report B "Ought not to pass," you wouldn't be going too far wrong.

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 Orono, Mr. Curtis, that the House accept Report A "Ought to pass" in New Draft. All in favor of that motion will vote yes; those opposed will vote no.

YEA — Berry, G. W.; Boudreau, Bustin, Carey, Clark, Conley, Connolly, Cressey, Curran, Curtis, T. S., Jr.; Dunleavy, Dyar, Emery, D. F.; Farnham, Fecteau, Ferris, Goodwin, K.; Hancock, Huber, Immonen, Jackson, Lewis, J.; Martin, McKernan, Murchison, Najarian, O'Brien, Palmer,

Peterson, Rollins, Sheltra, Stillings, Talbot, Theriault, The Speaker.

NAY — Ault, Baker, Berry, P. P.; Berube, Binnette, Birt, Bragdon, Brawn, Briggs, Bunker, Cameron, Carter, Chick, Chonko, Churchill, Cooney, Cote, Cottrell, Crommett, Dam, Davis, Donaghy, Dow, Drigotas, Dudley, Dunn, Farley, Farrington, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Greenlaw, Hamblen, Hoffses, Hunter, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, Lawry, Lewis, E.; Lynch, MacLeod, Mahany, Maxwell, McCormick, McHenry, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murray, Norris, Parks, Pontbriand, Pratt, Ricker, Ross, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Strout, Susi, Tanguay, Tierney, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, Whitzell, Willard, Wood, M. E.

ABSENT — Albert, Bither, Brown, Carrier, Deshaies, Evans, Faucher, Herrick, Hobbins, LaPointe, LeBlanc, Littlefield, Maddox, Perkins, Rolde, Santoro, Silverman, White.

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

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

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

Mr. COONEY: Mr. Speaker, I move acceptance of Report C.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves the acceptance of Report C.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: Having turned down the suggestion of the majority of the committee, I think that the House would be wrong and misled if we accepted the original bill as it was proposed. That is what the pending motion is. So I hope you vote against.

My reason basically is this. It establishes three offices within the Executive Department, the Office of

Business Management, the Office of Government Policy, the Office of Finance and Administration. It locks in such rather important areas as the division of Motor Vehicles, the Maine State Retirement System, the Bureau of Budget, the Bureau of Taxation, the Bureau of Property Taxation, the Bureau of Accounts and Control and so forth, and if you will look at the bill, you will see that the heads of those departments, some of which are substantial changes from existing state government, would be reporting to a person who is not the governor and who is responsible to the governor. I would suggest that this kind of legislation enacted now would hamstring an incoming governor. It would be extremely inflexible, and it would do just exactly the opposite of what the Maine Management and Cost Survey team is telling they have been trying to do. The whole object of this consideration, I think, has been to provide flexibility to the point where a governor can establish some programs and some priorities and be able to have the tools at his disposal to achieve those.

Government is not business, and economy and efficiency ought not to be substituted instead of service to the people.

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

Mr. CROMMETT: Mr. Speaker and Members of the House: I did not like the original bill, neither did I like the redraft.

I understand the motion before the House is to accept Report C, which I oppose. I urge you to vote against it, and then I will propose we accept Report B.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: In order to expedite matters, I move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves the indefinite postponement of this bill and all accompanying papers. The Chair will order a vote. All in favor of that motion

will vote yes; those opposed will vote no.

101 having voted in the affirmative and 22 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Second Reader Tabled and Assigned

Bill "An Act Relating to the Powers of Maine Port Authority" (S. P. 931) (L. D. 2564)

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 specially assigned for Monday, March 18.)

Second Reader Tabled Unassigned

Bill "An Act Relating to Income from the Public Reserved Lands" (H. P. 1739) (L. D. 2185) (C. "A" H-755)

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

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

Passed to be Engrossed

Bill "An Act to Create a Task Force to Evaluate the Financing of Transportation Programs in the State of Maine" (H. P. 2034) (L. D. 2571)

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

Bill "An Act Relating to Salary, Expenses and Travel of Members of Legislature" (H. P. 1928) (L. D. 2463) (C. "A" H-756)

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

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: My remarks this morning will be warmed over from yesterday, and they may not be lucid, but I will certainly try. This particular item, item number four, in my opinion, is not what we need at the

present time. We don't have a surplus like we had when we came into this session, regular session. We are skating along on very thin ice, and here we are asking for a raise in salary. I believe it has an appropriation of something like \$400,000. In the 105th we raised our salary \$1,000, which means \$184,000. And it is my feeling, possibly I am the only one, that we are getting salary enough.

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. Rollins on this. As you know we are coming up for election pretty quick, and when we go around to our constituents and tell them that we are going to raise the taxes next session which everybody seems, all the people here, seem to think that we are going to have to increase taxes. They are going to say well, how come you gave yourselves a big raise in pay then?

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday I listened with interest to the remarks of the gentleman from Pittsfield, Mr. Susi and others tell of the shortcomings of this legislature if we did not make some substantial increases in the legislative compensation.

So, I am going to do something this morning that I have been advised against doing by some of the senior members of the House, and that is to deal with some facts and not emotions.

Some of you are aware that I appeared before the Appropriations Committee as an opponent to the original legislative pay bill. My opposition in no way criticized the fine job the Legislative Compensation Commission did in carrying out the Legislative Order requesting the study of legislative salaries.

I think that one of the most widely used arguments for large salary increases for legislators is that the higher salaries will broaden the base of the legislature and allow any person, who wishes, to serve. That is not so. According to the studies made by Frank J. Sorauf, the author of *Party and Representation*, legislators

mirror their constituents in certain birthright characteristics. Such as race-religion and ethnic background because a voter seems to want a respectable candidate typical of themselves but with education, occupation and social status slightly above average; or, in short, a local boy or girl made good.

This same study showed that women are much better represented (up to 18 percent) in the less populous New England and western states with their citizen-type legislature than the highly industrialized states with a professional legislature of high salary that tends to all but exclude women from the legislative process.

I wonder if the gentleman from Pittsfield, Mr. Susi, could tell me how many women, farmers, fishermen, low income or hourly paid employees are represented in the legislative chambers of New York, Massachusetts, California or other professional type legislatures?

Now, I do not mean to imply that the committee bill will make this body a professional type legislature because it will not. My main concern with this bill is that the people I represent and work with have been held down to a five to seven per cent wage increase for the past couple of years, by governmental action in a state that ranks number six in the New England States on per capita income; ranks number 38 in the United States national average or well below the national average.

It would seem to me that it would be very untimely of this legislature to implement a pay plan that does not carefully consider the economic climate of Maine or the pay guideline set by the Federal Government.

Now, I am well aware of the many valuable contributions every member of this House has made in the legislative process and that each one of you could easily double your salary in a different profession. But I, as a legislator, cannot vote for this bill in its present form when I consider the economic squeeze my constituents have been placed in for the past several years.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak briefly to this particular issue. I spoke in my behalf and in behalf of this bill insofar as the legislative compensation committee is concerned. I spoke in behalf of this bill at its public hearing and I am going to speak for the bill now on the floor. I would hope that my constituents, anyway, would have faith and trust in me insofar as my doing the right thing.

I would like to speak briefly on my own particular case in that my average day, insofar as the legislature here is concerned, runs between 18 and 20 hours a day. On those days that we have double sessions it is twice as bad. Last night I had supper at 12:30.

I think the sentiments of the gentleman from Pittsfield, Mr. Susi, summed it up in a nutshell. I think I agree with him wholeheartedly. I think I disagree with the gentleman that said if we pay our legislators more we will not get better legislators. I would very heartily disagree with that because I think if we pay our legislators more we will get a better crop of legislators. I know in my own case I can do much more, or as much as possible, if I can spend more time doing the job that I was elected to do. But, consequently, I have to, I must go back to a job each and every night, except for Monday and Tuesday when I have off, but for the rest of the week I am tied up at a job. So it depends on what time I get out of here and what time I go back because I have to go back to work to eat. My family, still like to do that sort of thing.

I realize, also, that it is my fault that I am being here; I didn't have to run. I ran on my own free will. I realize the complications and the time involved. I did to a certain extent. To a certain extent I didn't realize how much time, that it is a 24 hour a day job. A constituent called me up last night while I was on the job, before we went to press. This was about 10:30 or 11:00 o'clock, and I told her that I just didn't have time to talk with her because we were getting ready to go to press. She said, well, I am very much interested in the bill that you sponsored during the special session, and could you call me back? I said yes, I

will. I will try to get back to you tomorrow. Well, she said, I will be up probably until one or two o'clock this morning, what time do you get off work? I said twelve o'clock. She said well call me back then. I said, "Lady, I can't, I get home at twelve thirty. I have to eat, read the paper, read my mail and go over my bills and by that time it is two o'clock before I get into bed. I just don't have the time, so I must do it sometime tomorrow."

I don't mean to blow my own horn because I know there are other people in this body doing the same thing or comparatively the same thing. I think it is just a disgrace for us to sit here and go over such an item and say that we are getting enough. We just aren't doing that, we just aren't doing that.

I would like to address myself to one more point, and that is what we are not doing. We are all saying what we will do if we get more money or what we are doing now. But I would like to address myself to one more point and that hasn't been addressed yet. Is what we are not doing. I came up here as a freshman legislator and I have a lot to learn and I hope to some extent I am learning that. But one of the things it doesn't do, it doesn't allow me to really participate in the legislative process that I have been elected to. And that is, I cannot take part, I cannot run for committees such as State Government, Judiciary, the Legal committee, I can't do that because it takes up too much time. I can't do that. When we come back in the regular session and we are in control I can't run for Speaker of the House; I can't run for Majority Leader; I can't run for any kind of a post that has any kind of a responsibility to it or that it takes up any amount of time, just because I don't have that time, that time has gone. So, I would sincerely hope that you would support this bill. I am not saying that it is going to do the trick. I am saying 90 percent of it is going to happen. I am not saying that—I lost my train of thought, you will have to bear with me — Here is what I am trying to say; that if we do raise the salaries, people in my position, or students, or people who want to run who can run that aren't under that so-called strain of working, if they do

run, it will allow these people to either take a leave of absence, take off more time to devote their time to this body. So I would sincerely hope that you would go along with this measure. I support it. If any of my constituents ask me why, I will tell them why. I will tell them why. And hope that they would have faith and trust in me. So I would hope that you would pass this bill.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I believe I have to agree with one point of the gentleman from Stockton Springs, Mr. Shute's, remark is that this salary will not create a professional legislature. I am sure with the minimal increase that we will receive under this increase that all we are really doing is giving an opportunity for some of the people who do work, possibly in mills or other jobs, an opportunity to take a leave of absence to come here. Not only that but I think we do have members here, younger members of the legislature, who are just beginning out in life to start to raise a family, to start getting better known in their own jobs, such as myself, possibly, taking the time to come here and taking time away from my business. I believe we still have to put the bread on the table and I think this minimal salary increase will help just that little bit. I know we try to do a good job. I am sure all the legislators here try to do a good job. To do that job properly I think we do need a little bit more compensation to handle this.

As far as the Legislative Compensation Commission goes I think they did an extremely fine job. We are not even going all the way or to the extent of their recommendations. They went throughout the State, they had public hearings and the feeling from the public at those hearings was that we are entitled to an increase. I think if we talked to our constituents which I have done to try to get the feeling of the people in Brunswick, the people are in favor of us getting an increase. I think the thing that they are concerned about is not that we are going to get an increase and waste the taxpayers money, it is the

amount of time that we waste here while we are here. If we did a little more effective job while we were here I am sure that the salary increase wouldn't bother them quite as much. So I hope that you support this bill today and vote for its passage.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I arise in opposition to this bill today. I have never, in any of my time, felt that paying a man more money or a person more money, so I can include both sexes, makes them any more efficient or any better worker. I've always felt that if I hire a man to work, that he does his best for me. And when I raise his pay, it's not to make him work harder, but it's a merit increase, where I recognize the fact that he is working and earning his pay and working a little harder for me.

I oppose this bill for several reasons, namely; that we have sat here so far, fifty days, and we have not, as the papers say, get \$25.00 per day, but right now of course we're averaging \$40.00 a day, if we stay here much longer, that will decrease.

We have many good bills that require funding, that we won't have money for. This session, the Catastrophic Illness bill, requires two cent tax increase on cigarettes. And this money could be, even if the bill was to pass with the increase, this money could be dumped in and further expand that bill. I heard people on the minimum wage bill for the workers in this State, who are working for \$1.90 an hour, get up and oppose giving them any raise. I see where, finally, in the other Body has really outdone themselves, really opened up their bleeding hearts to \$2.00. I do see here that there is an amendment to go to \$2.10. I have also listened to the arguments that we have given the County Government employees, the County Government people who have been elected, we have held them to 5.5. Now if we re going to hold them to 5.5, I would, in my mind, say, yes I could go along with this because we have treated everyone in an equitable manner.

I do think maybe something should be

done in the area of expenses. I think we should not be required to fund expenses directly out of our pockets, and there should be a little something there. But I do feel that we should wait for the 107th and it doesn't have to be done in the special Session. When I look at this bill, the amendment, I see \$400,976, and that could go quite a ways in funding some bill that is much more urgently needed by the people as a whole in the State of Maine, than by any of us here. So, for that reason, if a motion is in order, I would make a motion that this bill and its accompanying papers be indefinitely postponed. I would ask for a roll call.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion for "Indefinite Postponement" if it has gone that far. I sat here two years ago. Two young gentlemen from Portland were presenting arguments for a pay raise. One of them stated that things had gotten so bad for him that he now had holes in his socks, and his seatmate did also. Those arguments didn't get him a pay raise or not a very substantial one, so I'm not going to pursue that.

Mr. Talbot has presented some arguments that I think are valid. If my wife or my children could stand here, I think they probably could give you a better case than I can for a pay raise.

Now, the gentleman from Bethel, Mr. Willard, mentioned that it might possibly not be a good time for asking for a pay raise. We are coming up to an election. I, personally, would much prefer to ask for a pay raise in an election year. I am not afraid to ask for a pay raise. And I want people who vote for me to know that. If they don't object to my having a pay raise, and still elect to vote for me, fine. If they do object, they don't have to vote for me.

It might come as a surprise to some of you ladies and gentlemen, but I would ask sometime that you poll your constituents, ask them, "How much do you think I'm getting paid," and you are going to get figures like \$10,000, \$12,000. It's surprising how much publicity that we get in the newspapers on how we don't need pay raises. I guess that that general public doesn't read things that

apply to the Legislature, only Legislators read those, apparently. If you want some fun, just run around in your district, ask the people how much you're getting paid. And I'm telling you, if you could spend it, you wouldn't have to come in here and ask for a pay raise.

I have another, perhaps it's a little tongue-in-cheek advice for some of the members. If they don't want this pay raise, refund it. Those of us who do, can get an amendment in here somehow or other, to split up what you're refunding amongst ourselves.

I would just like to tell you what happened this morning. I went over to the cafeteria, I didn't have an opportunity to eat before I came, and I had breakfast, two eggs and a strip of bacon. That strip of bacon was posted upon that little thing, whatever that thing is, 20 cents for a strip of bacon. Now, maybe if I do get defeated, I'll stay home and raise pigs. Because if I can get 20 cents for a strip of bacon, it's going to be a lot more money than I can get down here, if you don't increase the pay.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I, too, oppose the motion to "Indefinitely Postpone". In support of my position, I would like to read to the House this morning, it's not really a poem, it's a piece of literature entitled: "Be It Known", which I have adapted for the purposes of applying to the Maine Legislature.

BE IT KNOWN

The Governor

Leaps tall buildings with a single bound,

Is more powerful than a locomotive,

Is faster than a speeding bullet,

Walks on water,

Gives policy to God.

The Senate President

Leaps short buildings with a single bound,

Is just as fast as a speeding bullet,

Is more powerful than a switch-engine,

Walks on water if the sea is calm,

Talks with God

The Speaker of the House

Leaps short buildings with a running
start and favorable winds

Is almost as powerful as a
switch-engine,

Is faster than a speeding "BB",

Talks with God if special request is
approved.

The Majority Leader

Barely clears quonset huts,
Loses a tug of war with a locomotive,
Can fire a speeding bullet,
Swims well,
Is occasionally addressed by God.

The Minority Leader

Makes high marks when trying to leap
buildings,

Is run over by locomotives,

Can sometimes handle a gun without
inflicting self-injury,

Dog paddles,

Talks to animals.

The Senate Chairman of Committees

Runs into buildings,

Recognizes locomotives two out of
three times,

Is not issued ammunition,

Can stay afloat if properly instructed
in the Mae West,

Talks to the wall.

The House Chairman of Committees

Falls over door steps when entering
buildings,

Says "Look at the Choo-Choo,"

Is not issued a gun,

Plays in mud puddles,

Mumbles to himself.

The Average Legislator

Lifts buildings and walks under them,

Kicks locomotives off the track,

Catches speeding bullets in his teeth
and eats them,

Freezes water with a single glance,

"He is God"

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

Mr. DYAR: Mr. Speaker, Ladies and
Gentlemen of the House: I think I will be
a little more serious than the previous
speaker.

I returned home last night, after ten
o'clock and I was faced by my wife with

an accusation presented her yesterday
afternoon by a constituent, which, in
essence, stated that it was very obvious
in his mind that for me to maintain my
home and my family, that the pay I
received as legislator, that I was taking
money under the table. This insinuation
bothered me considerably, in fact, I
discussed this with the individual, up to
one o'clock this morning. I think,
possibly, this is the other side of the story
versus the side that the gentleman from
Buxton, Mr. Berry, presented; the fact
that many of our constituents think we
are making \$10,000 or \$15,000 a year. I
think for every constituent who thinks
we are making this sum of money, the
other half of the constituents think we
are, indeed, accepting graft and bribes.
This really bothers me.

I think we have very many capable
members in this body, and we have
many hard working members of this
body. I think we've got to divide
ourselves though. We have young people
bringing up families, paying the initial
expenses of life. We have those who are
middle-aged, who have attained some
success, and aren't too bad off. And then
we have the older members, who have
made their place in business or the
world, and are here on their pensions or
Social Security, and God Bless you
people.

I think we have to realize that we do
come here, and if we devote the time that
is necessary to be a good Legislator, and
represent our people, we should expect
reasonable compensation.

My good friend to my left, my
seatmate, Mr. Shute, has referred to the
great states of Massachusetts, New York
and California, and he has a very good
point. The average house member in
California represents 250,000 people,
while we represent about 6,500. I think
we here in Maine spend as much time
representing our people as that
Representative from California. If that
boy out in California, with his salary,
with his fringe benefits as a legislator,
his legal fringe benefits, is making
somewhere in the vicinity of \$40,000 a
year.

I must relate to my own case this past
year, 1973, when we were here seven
months. I have to consider that I spent

another two months working as a legislator, outside of Augusta. So, therefore, I feel I spent somewhere between nine and ten months last year working for my constituents as an elected Representative, for the salary that you all receive.

Another point brought out by the gentleman yesterday afternoon, in his accusation to my wife, was the salary of many people making decisions here, referring to the Appropriations Committee, and I do not make this statement facetiously. He brought out the point that if you considered the income level of the people, who presented the Legislation before you, on the Floor of the House, possibly, what he was getting at was some of the Salary Commission should have been getting at. Possibly the Salary Commission should have looked into the work load of the average legislator. The amount of income that he did have outside of his legislative pay, and it might have been shocking. This gentleman suggested the group that I have referred to previously. And these people are also dedicated working Legislators. The term used was "elected lobbyist". I think that is defined by referring to the legislator who is sitting in this body or any body in the United States, who has been released by his employer to serve in the Legislative Body, to receive his legislative pay, and also to receive partial or full salary while he is serving. Possibly the Salary Study Commission should have looked into this area.

I have before me a piece of paper that my children brought home to me last week from school, which refers to free school lunches. I have six dependents. And under the economic guidelines for free school lunches, I can have an income of \$6890.00 a year and be eligible to have my children given free lunches. I can have an income of \$9640.00 per year and my children can receive reduced lunches. So it makes one wonder just what are our economic guidelines, and do they vary accordingly from situation to situation.

I believe in the debate there was mention yesterday of Congress taking action on their own salary increases. And due to the fact of an election year,

they sort of reneged and held back. It bothers me that anybody would infer that a member of this Body was receiving pay on the same ratio as a member of the United States Congress. I believe we was in at \$3500.00 and they started at some \$43,000. Again, some fringe benefits that you want your wife on the payroll as a secretary, making \$14,000 a year, so this does boost up the income of the family. Possibly, the consideration of the United States Congress and the United States Senate wasn't really germane to income of the members of this House.

I certainly hope this morning that we will review this bill. When we are out campaigning before the primaries and before the November election, we will be in a position to tell our constituents we're trying to influence to get their vote, that we are working here in Augusta, that we are accomplishing things, and that somewhere along the line, we did have a Salary Study Commission, who came up with, in my mind, a reasonable salary suggestion for Legislators. But yet in as much as it was an election year, we really couldn't face the facts and come up with a salary that might possibly pay our living expenses; that maybe if it was not an election year, we would have gone along with the Salary Commission's recommendation, and in fact, we might have amended that recommendation and increased our salaries somewhat.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I think that the statements from the gentleman from Pittsfield, Mr. Susi, yesterday, and the gentleman from Buxton, Mr. Berry, and the gentleman from Strong, Mr. Dyar, accurately reflects some serious sentiment on this issue that I get, particularly Mr. Berry and Mr. Dyar have made some points that people in my constituency brought to my attention. I don't think the people in the State of Maine are fully aware of the amount of remuneration or compensation that we, as Legislators, receive. I think the statements by the gentleman from Strong, Mr. Dyar, about because we receive so little we must be

on the take, are statements that I have heard in my constituency and which grieved me greatly. Because I find it very hard to believe that this takes place in this Legislature. I would like to call to the attention of the members of this House two paragraphs of the order that we passed a year ago, we in the Compensation Committee. It says and I quote: "Whereas Maine Legislators should be compensated for their services to the people of the State of Maine in a fair, just, and reasonable manner and; Whereas; Legislative salaries ought not to be so low as to discourage citizens from seeking office, nor so high as to give sole reason for that pursuit." I think these are two paragraphs that we ought to consider seriously before we vote on this matter this morning. I don't think one of us really believes that we are justly compensated for the services we provide for our constituents during the year. Those services certainly don't end when we adjourn here in a week or so; they do continue for nine more months.

I would like to ask the gentleman from Stockton Springs, Mr. Shute, a question and ask him, if it were not for the fact that the type of job he presently has, which I believe allows him to work on weekends, if that would preclude him from being here in this House? I think if we take a look at the makeup of this body and the other body, I think we would find, to my way of thinking, three groups of people. We find a number of ladies and gentlemen that could be considered senior citizens; we find a number of independent business men; we find a number of young people like myself. But I would submit that perhaps there are very few people represented in this legislature of what we would call rank and file workers. There is no question in my mind but what the fact of the compensation is so low that it does prohibit people from running for elective office.

I would hope that we could send this bill on to the other body. I would hope that we would not vote against this bill, this proposed increase in compensation, because, in a sense, it would reassert our position for re-election. I think it is terribly important that people from all walks of life be afforded the opportunity

to run for political office. And, quite frankly, I am convinced that large numbers of people in the State of Maine are prohibited from running for elective office because of the salaries. I hope you will vote against the pending motion.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I don't want to debate this issue too much, but I would hope that we would all realize here that we were all elected by our constituents, and I don't feel it proper that we bring any individual's name into this, or the manner that he comes here, or to what financial arrangements that he is able to be here. I don't think that is fair to any member of this House. I hope that that type of debate would stay out of this today.

I would just say, briefly, that being on the Appropriations Committee, and in defense of my feeling for this bill, and I hope you do defeat this motion to "Indefinitely Postpone", that we listened to a report of a select commission of citizens that worked long and hard to come up with a feasible plan. And the members of the Appropriations Committee that brought out an amended version of that did so only because, in our wisdom, we felt, we tried to amend the plan according to what we felt that we could afford for money. This is the reason that it was changed. Some of us would like to have brought it out as it was, but our deliberations were made and we came with the recommendation because we felt it was more feasible on a fiscal basis.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: Myself, I will live regardless whether I get a raise or not. I always have, no matter how much pay I got, whether it was big or little. I am concerned here about a number in this House. One person confided in me the other day, I won't say whether it was a he or a she, but they had been forced to go to the bank, in their District; they had to get a short-term loan, unsecured, for thirty days. They

told me they had to pay twelve per cent on that note, plus finance charges, which brought that note to twenty-four per cent. Now, Ladies and Gentlemen, this has happened to four people in this House that I am positive of, that has come and showed me confidentially. And how many more has this happened to that has not shown me, I do not know. But I think that these people should be getting wage enough so that this would not happen to them.

Our teachers today are asking for a starting pay of \$6400 and \$7000, which I think they are worth, I'm not doubting it a bit. Our gasoline has gone from 39 cents to 55 cents, at the same pump I buy, in just a six-months period. Bread has gone up; everything has gone up. And if we are to run along on the same trend that this has gone, these are the people who have got to have a raise.

Gentlemen, for myself, as I told you when I started, I will live regardless of what I get. But I am looking out for the other fellow and I shall vote along with it.

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

MR. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the individual legislators who testified at the hearing on this original bill. I support many of the statements that were made by previous speakers, relative to problems that have been created in the minds of our constituents about the kind of money our legislators are getting and where they are getting it from.

However, I would like to add another point that hasn't been touched upon too much on this bill, and that is the question of the effectiveness of the legislator. When I first came into the House of Representatives, I was commuting back and forth, I was working up here days in the regular Session and commuting back and forth and working nights. I was working five nights a week and I had, to be quite honest with you, I don't feel as though I had the time to devote to this job. I don't feel as though I had enough time to keep up with all the bills; to keep up with my mailing. and I think this hurt my effectiveness as a legislator. We

have to be doing these things. Because of business at the particular place I work, I have been cut down to three days a week, I am only working three days a week now, I am making \$75.00 a week, and needless to say, at the end of this session, I am going to have to go out and seek a full-time job to bring in more money.

However, one thing, being cut down three days a week has done for me, it's given me more time in the Special Session to devote to this legislature and I feel as though, quite honestly, in my case, that I have done a better job as a legislator in the special Session than I did in the Regular Session.

Therefore, I would like to see, on that basis, like to see you go along with this modest salary increase. I don't feel as though any legislator is going to get rich on this. I know for a fact, that even if we get the increase, that I'm going to have to have another part-time job. Perhaps this part-time job I am going to take will take up less of my time and I will be able to devote more time to the legislature. I would like to come back here. I probably will run again, regardless, of what happens to this bill. I have been very fascinated with the processes up here and I would like to return again. I have a great deal of respect for this legislature and this House, and I feel that something can — I think they are doing some good things—some of the things I do not agree with, but that's part of the process up here. So I wish you would go along with this modest pay raise and do yourself a favor; give yourself a little more time to be an effective legislator.

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

MR. COTE: Mr. Speaker, Ladies and Gentlemen of the House:

As I listen to the debate here this morning, I am under the impression that they are voting for a raise for themselves, but they are not. You are voting for a raise for the next Legislature. And no one here is assured of a seat in the next Session. You may be a candidate, and you may also be defeated; your opponent will take this seat and get the raise. If we are not voting for ourselves a raise, we are going to up-grade the legislature and make it possible for those who want to run for

office, at least, be able to be part of the system.

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

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

I feel that I am in an enviable position to speak on this bill, since I am what you might term a lame duck. I am not going to run for office again. It will have no bearing on my income in regards to what is done here on this bill.

Having served five terms in the Legislature, ten years; I am convinced that the Legislators, as a group, I would say about ninety-eight per cent or possibly more, are dedicated public servants, who come up here to represent the State. They do the best job that they can, and in my own opinion, they are underpaid. In spite of the derogatory remarks that are shot at us sometimes as a do-nothing-legislature, dragging our feet, I feel that all-in-all this group of men and women do a darn good job. I am certainly in favor of some kind of an increase for legislators' pay. On the other hand, I would hate to see the pay become so large that it would be sort of a bait held out for anybody to run in order to draw a good salary. I wouldn't want to see that happen, but I would certainly go along with this bill.

The SPEAKER: The Chair recognizes the Gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker, Ladies and Gentlemen of the House: Being in the same category as my friend from Bristol, I would just like to echo his words. Certainly I don't think anyone here is overpaid. I think the people here do an excellent job. I know they are going to do another excellent job in the next legislature and the one after that and the one after that. I certainly don't believe that this pay raise is overdone in any way whatsoever. I hope that the motion to Indefinitely Postpone will be defeated.

The SPEAKER: The Chair recognizes the Gentleman from Ellsworth, Mr. McNally.

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

As you all know, I belong to an organization that tries to get along and

live with the unions that they employ people from. And down in San Diego, this last week, at the annual convention, one of the things that was talked about is that we will have pay raises all over this country.

You talk this morning about 5.5 per cent; that is no longer a figure in the mind of the people; they are only thinking of a living wage. You must think at least more than eleven per cent because it is actually about seventeen.

Before this, on every pay raise that has come up, I have always got up and made the statement that I was going to absolutely vote against a pay raise. And I have been very frank in stating that I was against the pay raise because I thought it was an insulting pay raise that we were offered. I might even say that this time I think it is too bad that the Appropriations Committee had to feel that they had to cut the amount that the Committee had shown that would have been somewhere in the right amount of pay for a legislator. For once, after having a good argument put before me this past week by what is happening in all the other states in the union, I am going to try and be realistic with the rest of them. And even though I consider that the raise is not a sufficient one, and it is partially insulting as to what we are expected to do and what we should be able to do, I shall probably vote for this bill or against Indefinite Postponement.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I won't take too much of your time, but I would like to clarify my position that I took on this bill in Committee. I signed the minority "Ought Not to Pass" report for three very simple reasons.

Number one; I don't think the economic conditions at this time warrant a fifty per cent increase in salary, when the others have been restricted to only 5.5. Number two; I don't think you can call this or classify this as an emergency piece of legislation. We were called here primarily for an energy crisis, not to vote ourselves a pay raise in the next session. Number three; I am afraid that

if we pass this piece of legislation, we are going to lock ourselves into never being able to reduce the size of this House. This, to me, is a very important piece of reform which we should consider before we increase the salaries. I hope that you will support the motion to Indefinitely Postpone.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question of the gentleman from Stonington, Mr. Greenlaw; I would like to answer that I would continue to serve in the legislature as long as I get elected.

If I could not work nights or weekends on my regular job, then I would not think it above myself to go out and get temporary employment on weeks to sustain my income. Some people think that by my remarks I oppose the increase in legislative salaries. That was not my intention because I have stated previously that a modest increase would be in order.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for rising so late to speak on this, but I want to insert my comments into the record so they become a matter of record.

There is no doubt in my mind that the present salary prohibits many people from serving in this legislature. I am not saying that an increase in salary will necessarily result in better representation. But it will give many more people an opportunity to run. In my own case, I gave up full-time teaching to serve in this legislature. Now, I made that decision willingly and knowing what the salary would be. Now we are faced with a question of raising the pay for the next legislature. We are the only body that can make that decision. I intend to support the Committee Amendment and then present my vote to my constituents and ask them to decide whether they think I am worth a raise; to bring my legislative income above the poverty level. Ladies and gentlemen, if my

constituents want me to continue working at three part-time jobs and to continue penalizing my family by never being home at night, then they do not want me up here for another term. I am willing to let them make that decision because I intend to support this modest increase in salary and publicize the fact that I did.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to take a few seconds to reply to the comments made by Representative Carter.

First of all as to economic conditions, I think the Appropriations Committee did take this matter into consideration and reduced the commission's recommendations significantly and spread it over a much longer period of time than was recommended by the commission.

Second of all, as to his comments as to why we are called into session, i.e., an emergency, this was a commission report, we asked them to get back to us as soon as possible, and in view of our own requests to the commission that did the work on this body, this was an emergency and is properly before this body.

Third of all, referring to his comments as to reducing the size of the House, I think the majority of the Appropriations Committee would agree that the size of the House can be considered by another body, regardless of the size of pay, in future legislatures. I think the overriding consideration of the Appropriations Committee, the majority, was to give people who do not have an opportunity because they have families to serve in this legislature.

I agree with the remarks of the gentleman from Pittsfield, Mr. Susi, yesterday, when he said it is intolerable in our democracy that such a condition exists that people who have families that are in that middle class cannot afford to come to the legislature. They are the people, perhaps, more than anybody else, that has a stake in society and whose voice ought to be heard. I hope today that we do not indefinitely

postpone this and will send it on to enactment.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I don't think we can rely too heavily on the findings of this commission. They were given a job to do and I think they did it well. But the decision as to whether and how this is going to be funded is ours. We see a great many good ideas go through here with price tags on them, knowing that the Appropriations Committee is going to exert some budgetary influence on it, but this one comes back with a little bit of reverse English. So I feel that, number one, this raise will not accomplish what I understand to be one of the commission's chief objectives. It was to diversify the membership of this House. I feel we have got a good Representative House to begin with. Sufficient money, I am sure, would broaden it. I don't believe this measure will in its degree of increase, but I do feel the sum of money that is being requested at this time should be a very serious deterrent to our committing ourselves to this expense and I hope we will indefinitely postpone this action.

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

Mr. SPROUL: Mr. Speaker and Members of the House: I would like to point to you that the committee report, there were four of us that signed the minority report, all four members being of this body, which made it a majority of your colleagues in this body.

I would like to also be on the record that I believe that the members of the Legislature deserve more pay than they are receiving. I think it is a mistake to give a pay increase with not taking into consideration any of the other things that should be accomplished, and I concur with my colleague from Winslow, Mr. Carter, in some of these.

First of all, the size of the House. I think it would have been an ideal time to have that tied with the pay raise so they could have both been accomplished and had not posed a problem as far as fiscal matters were concerned. I would point

out to you in this regard that the League of Women Voters had a representative at the hearing of the Appropriations Committee and they make this suggestion rather strongly. Another item I think single-member districts possibly could have been tied to this package also.

I have discussed with the Speaker some of these items, and because of the constitutional problems and some of our rules, it does not seem to be feasible to try to amend this particular bill to do anything about it. I think it is a mistake to come in and just ask for more pay and not give any consideration to these other areas. I personally am upset about the 15 and 20 minute sessions that we have had on Mondays and Fridays here, and I think the majority of the people in the State of Maine are upset over that.

I believe that we could have been at the same stage we are today if the full membership had met for less days and the committees that had a heavy workload could have met Mondays and Fridays and they had been paid for their day's work. It would have been a considerable saving to the taxpayers of the State of Maine.

This morning there was a letter to the editor in the local newspaper pointing out that this particular bill means over a 100 percent pay increase for members of the legislature. That is, of course, in the two stages, but the fact is there that this piece of legislation calls for over a 100 percent increase. I think the state employees or anyone else in this state are struggling for the 5½, or even if it is 10 or 15 percent increase, have difficulty following anything near 100 percent increase.

In conclusion, the fact that I do believe there should be an increase, I would certainly want to go on record to that, but I believe some of these other things should have been accomplished along with it. It is a mistake to do this alone and thereby make it more difficult to get favorable reaction on any of these other considerations.

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

Mr. CAREY: Mr. Speaker and Members of the House: In answer to the

gentleman from Winslow, Mr. Carter, who said this is not the time, I think I can tell you — I have been in and around city government and state governments now for a total of some 20 years — there never is a good time to vote an increase.

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: One brief remark. Last year when we were in regular session you remember that \$2,500 that was distributed among 20 payments. We were, in fact, in session for 26 weeks. Those six weeks that I went without salary were quite damaging to my economic household, and I am sure that it was also damaging to other people in this House. At best, if we enact the bill that is before us, that with the committee amendment on it, we will at least have been able to sustain ourselves for those extra weeks that we did work without pay under the old structure.

The fact of the matter is, as a teacher, every day that I am out of school I am docked \$52 and I come here at \$25. Now, that represents a net loss of \$27 a day which wouldn't be so bad, but you know the matter is that I have to earn income all year. What happens this year, because of a new ruling by the school board, is that at the end of my two-week pay period, I am docked \$520. What they do then is, they apply my gross salary of \$360 to the \$520 that I am docked, and I come out owing them \$160 for being here two weeks, in attendance ten days.

I can't see how anybody can refuse to try to equalize the situation for all people in this House, those people that are against the measure because it would open up possibly the number of candidates that could be attracted and the people from different industries who could be attracted and more of the common people, since I look at the House of Representatives as a body of people who come from common backgrounds. I would hope that what we do is open that today and defeat this motion to indefinitely postpone.

I read for the first time an editorial that was favorable to the legislators, and I don't know how many of you read it, by one of our greatest critics during these

past few weeks. Even this critic in his editorial was very favorable to the pay increase, to the point where he felt that if this bill were referred to the public that it would receive the overwhelming support of those people who some of us may fear because we have asked for a pay raise would chastise us at the polls next year.

I can see a definite improvement, probably, in the total status of the Maine Legislature, which now ranks 33rd among the 50. So, I would hope that we would defeat this motion and send the bill on.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker, Ladies and Gentlemen of the House: I doubt if members of any legislature coming here have come in for a large salary. No doubt, legislators have always been underpaid. I think most of us come here because we are interested in this great state and want to be a part of it. There is no shortage of candidates this year, so far as I can determine. I noticed my horoscope in the paper. I would like to read it to you. "Be conservative. Wait it out; there is a better opportunity coming soon."

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: It appears that the tide is running against me this morning, but every cloud has a silver lining. If this bill passes and I am lucky enough to be reelected, this increase will enable me to throw out my milk substitutes and buy some good Maine milk.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to this debate here this morning. I think we are looking at it the wrong way. All we have heard is dollars and dollars and dollars, and that isn't what it is to me. It isn't a salary increase. What we are discussing here this morning actually is the expenses to be covered by payments from the legislature.

For instance, on the reapportionment plan, there are so many regions in the

state that I don't think any one living person will be able to cover without them paying a large amount of money out of their own pockets. Down in my county, they have laid out a district that runs from Pembroke up to Aroostook and within ten miles of Houlton. I talked before on the floor of this House on what the size of the district—then at 88 miles long. Now it is around 110 to 130 miles long. It was 40 miles wide and now it is 100 miles wide. This is not the fault of the reapportionment committee; this is the way it had to be done on the one person one vote. I submit to the legislature, there is no one Representative who will ever be able to cover it on salary and expenses and everything else. He will have to reach in his own pocket, whether it is a he or a she, and pay additional costs if they are going to represent the district adequately.

There is no question in my mind that there are other districts where whoever runs for representative this time around is going to find that what they paid out before on a campaign trip around the district, they are going to have to quadruple it this time around. There is no question in my mind at all but what we are talking about here this morning is increased expenses to maintain the members of this House.

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

Mr. SHELTRA: Mr. Speaker and Members of the House: I will be very brief. I was at the local Hot Shot Coffee Shop in Biddeford this morning at 7 a.m. and I let it be known that I wasn't to run again, and the reasons why I couldn't, mainly, was that the salary just wasn't there. I couldn't afford to give up a very good job that I do have, and this part time job, I just couldn't afford it. He said, "You have got to be kidding, Carl, you have got to be making at least 17 or 20 grand a week up there." I said, "Really that is not so. I think you would be amazed to know that we average about \$1,750 a year." "My God," he said, "You would be much better off on Welfare." I think that is more than the truth of it really. Actually, sometimes I wonder — I don't think any of you really would have to fear a decent raise to come back

here. I am sure I could justify one very easily at home. Sometimes I wonder — I can't help but to wonder if some of our members might fear the heat in the kitchen, meaning a little bit too much competition might surface. I think you really do deserve a raise, especially the next legislature.

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 Skowhegan, Mr. Dam, that this Bill, "An Act Relating to Salary, Expenses and Travel of Members of the Legislature," House Paper 1928, L. D. 2463, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berube, Binnette, Cameron, Carrier, Carter, Chick, Cressey, Curran, Dam, Deshaies, Donaghy, Dudley, Dunn, Evans, Farnham, Ferris, Garsoe, Gauthier, Hoffses, Hunter, Jalbert, Kelley, Lynch, MacLeod, Merrill, Pratt, Rollins, Shaw, Shute, Silverman, Smith, S.; Sproul, Tyndale, Webber, Willard.

NAY — Albert, Baker, Berry, G. W.; Berry, P. P.; Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Bunker, Bustin, Carey, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curtis, T. S., Jr.; Davis, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farley, Faucher, Fecteau, Finemore, Flynn, Fraser, Gahagan, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Huber, Jackson, Jacques, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris,

O'Brien, Palmer, Parks, Peterson, Pontbriand, Ricker, Ross, Santoro, Sheltra, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Twitchell, Walker, Wheeler, White, Whitzell, Wood, M. E.

ABSENT — Brown, Farrington, Immonen, LaPointe, Littlefield, Perkins, Rolde.

Yes, 36; No, 106; Absent, 7.

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

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

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith 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 12, by Mr. Simpson of Standish

Pending — Passage to be enacted.

Mr. Simpson of Standish requested a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Bunker, Bustin, Carrier, Carter, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cote,

Cottrell, Cressey, Crommett, Curran, Dam, Deshaies, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Evans, Farley, Farnham, Faucher, Fecteau, Ferris, Flynn, Fraser, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jackson, Jacques, Kelley, Keyte, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McNally, McTeague, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Parks, Peterson, Pontbriand, Ricker, Santoro, Sheltra, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Sproul, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard.

NAY — Baker, Bragdon, Cameron, Carey, Churchill, Curtis, T. S., Jr.; Davis, Donaghy, Dudley, Dunn, Finemore, Garsoe, Good, Hamblen, Herrick, Hoffses, Hunter, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Lewis, E.; Lewis, J.; Maddox, McMahon, Merrill, Palmer, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Snowe, Trumbull, Wood, M. E.; The Speaker.

ABSENT — Briggs, Brown, Farrington, Immonen, LaPointe, Littlefield, Rolde.

Yes, 105; No, 38; Absent, 7.

The SPEAKER: One hundred five having voted in the affirmative and thirty-eight in the negative, with seven being absent, the motion did prevail.

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

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

Joint Order (H. P. 2035) Relative to National School Lunch Programs being implemented in all Public Schools

Tabled — March 13, by Mr. Simpson of Standish

Pending — Passage

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies

and Gentlemen of the House: This was tabled by request yesterday, and I would just like to report to you that it is tied to L. D. 1392, which this body passed in regular session, which directed every school system in the state to enter the national hot lunch program. It is mandatory by September 1974 for everything but high schools, and in case of hardship it can be extended.

I don't see how we can refuse to go along with this order today, inasmuch as having ordered them to do it, this is a proposal to bring about some improvements in the manner in which it is performed. There are 160 buildings that are incapable at this time of providing this service, and it is proposed by the Department of Education to institute a centralized program of reception of commodity foods and the possibility of entering into prepackaged frozen lunches.

I would like to put into the record, however, a suggestion to the Legislative Council that I feel there should be enough talent in the Department of Education and in the various school systems throughout the state not to have to go outside and retain professional consultants to institute a program such as this, and I would hope they would work very closely with this program as it comes towards implementation.

I have checked, and I find that the City of Portland on its own has already instituted a study along these lines, and I would hope that the Legislative Council would take upon itself to attempt to coordinate these efforts in a hope that perhaps the full sum requested wouldn't be necessarily spent.

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

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

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

Tabled — March 13, by Mr. Simpson of Standish

Pending — Passage to be enacted

On motion of Mr. Simpson of Standish, retabled pending passage to be enacted and specially assigned for Monday, March 18.

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

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)

Tabled—March 13, by Mr. MacLeod of Bar Harbor

Pending—Passage to be engrossed

(In the Senate Committee Amendment "A" was indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-381)

On motion of Mr. MacLeod of Bar Harbor, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

On further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed in concurrence.

The same gentleman then moved the adoption of Senate Amendment "A".

Senate Amendment "A" (S-381) was read by the Clerk and adopted in concurrence.

Thereupon, on motion of Mr. Berry of Buxton, the House voted to reconsider its action whereby Senate Amendment "A" was adopted.

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

Mr. BERRY: Mr. Speaker, I would just like to pose a question to Mr. MacLeod. I would like to know what this amendment does, if he would explain it.

The SPEAKER: The gentleman from Buxton, Mr. Berry, poses a question through the Chair to the gentleman from Bar Harbor, Mr. MacLeod, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. MacLEOD: Mr. Speaker and Members of the House: We had this bill in a position for procedural purposes where we hadn't adopted the amendment from over in the Senate. The changes that have been asked for in this piece of legislation are to clean up some of the areas in it, and this was to — the Senate Amendment was to make this a body corporate politic within its own right. We now have within the bills, which I had objected to before, the use of the Attorney General's Department, and

a feeling exists in our committee that we do go along with this phase of it.

I have also taken out a feature which was in the bill that was objected to by the people that were interested in the bill which made the powers for the quality of the DEP measures that they would be running into as far as water quality control more stringent than the DEP here in Augusta. We have taken this out also.

Thereupon, Senate Amendment "A" was adopted in concurrence.

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

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

Bill "An Act Establishing the Office of Energy Resources" (S. P. 832) (L. D. 2375) Emergency

Tabled — March 13, by Mr. Simpson of Standish

Pending — Further consideration

(The House passed the Bill to be engrossed as amended by Senate Amendment "A" (S-376) as amended by House Amendment "A" (H-728) thereto. — The Senate passed the Bill to be engrossed as amended by Senate Amendment "A" (S-376)

On motion of Mr. Simpson of Standish, retabled pending further consideration and specially assigned for Monday, March 18.

The Chair laid before the House the following matter which was tabled earlier in the day and later today assigned:

Joint Order (H. P. 2025) Relative to Legislative Council Study of Utilizing the Women's Correctional Center at Skowhegan for a Veterans Home, which was read and passed in the House on March 8. In Senate: Indefinitely postponed in non-concurrence.

On motion of Mr. Birt of East Millinocket, retabled pending further consideration and later today assigned.

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

Mr. DONAGHY: Mr. Speaker, I present an order out of order and move its passage.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, presents an order out of order and moves its passage. Is there objection?

(Cries of Yes)

The Chair hears objection. In order for the rules to be suspended, it requires a two-thirds vote of the House. All in favor of the rules being suspended for the purpose of introducing an Order at this time will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 29 having voted in the negative, the rules were suspended.

Thereupon, Mr. Donaghy of Lubec presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation is directed to report out a bill to repeal the law requiring motorcycles to keep their headlights on at all times. (H. P. 2042)

The Order was read.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I have been requested to present this order. I am not a cyclist. I do have personal interest in this. Three very close members of my family are, actually one of them is in the business. He would, in my opinion, profit by the fact that headlights must be kept on. He would have to be providing headlights on brakes that do not have them now, stronger tail lights and all that sort of thing, which would keep them very busy modifying bikes.

I do think that this has been a hassle, because too many folks have envisioned black leather jackets with rivets and sharpened chains and all that sort of thing when they think of motorcyclists. This is an educational deal. These cyclists, many of them are ordinary folk like you and me. They do not want to kill or be killed, and in this case it is more liable to be themselves, as Mr. Bustin, the gentleman from Augusta, has so vividly described when the bill was before us. I just felt that it was right that this be brought back once more to you to see if we couldn't right what in my opinion has been an injustice.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: This has come up two or three times in the last few weeks. I think we have acted on this enough times. I think with the lights on the motorcycles, I have seen a few with them on lately, it has helped in my observing them on the road. I therefore move the indefinite postponement of this Order.

The SPEAKER: The gentleman from Brunswick, Mr. LaCharite, moves the indefinite postponement of this Order.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, I do not operate a motorcycle, but I believe we made a mistake when we passed this bill with regard to headlights. It may be somewhat of a safety measure. However, I have found that there is considerable opposition on the part of motorcycle operators with regard to this restriction. I think there is a great deal of question whether it is something that can be logically or constitutionally imposed upon them.

I think they are justified in their objections, and I don't believe the amount of safety that we will get out passage of such an order warrants the bad feeling that would exist amongst this group if we continue and persist in our passage of the bill. I think this order is badly needed, and I hope you go along with it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Very briefly, just recently I was behind a motorcycle and I noticed he had his lights on and it made it very difficult for me to tell whether he was going to turn left or right. In other words, his tail light was already on, and when he turned I couldn't tell he was going to turn. It seems to me that we would be creating a hazard. I would much rather have these lights off and when he goes to turn his light would blink and I could tell. It

seemed to me with the lights on, this made it very difficult.

I was thinking of another thing. I live quite a ways up in the County of Penobscot, and if this law should pass, and it is our will if we don't accept this order, they burn out a headlight or something and they could be stranded up there. I don't know of a garage up there that would have a light for a motorcycle. They might have to stay all night with me or something. You couldn't buy a light up there for a motorcycle.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Brunswick, Mr. LaCharite is very correct when he observed that this bill has been before us, I believe now is the third time. The reason that it has come before us these several times is that the motorcyclists as a group were not aware of the bill being introduced in the first place and did not appear at the hearing and were not able to voice their views to their local Representative. Therefore, only recently, after the bill was passed, has this been done.

I know in my district that I have received phone calls and letters on this. They are very unhappy with the provisions. It does seem to me that the intent of the bill was excellent and certainly meant well, but this now is not going to do the job, as has been mentioned on the floor of the House, that it is difficult in the daytime, particularly when you are following a motorcycle, to know when they put on their brakes, when they are turning and so forth, because there is a red glow out there ahead of you all the time anyway.

I am not a hundred percent convinced of the safety measures that should be inherent in a bill of this type, but I am thoroughly convinced that the motorcyclists as a group have not had their right to be heard that they oppose this as a group very very strongly.

I hope the motion to indefinitely postpone this order does not prevail.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am definitely in favor of the motion to Indefinitely Postpone. And I don't feel that I represent any one group any more than I do another.

But I believe my constituents who drive automobiles are a larger group. And this particular measure is designed so that they will not become involved in an accident with a motorcyclist and that they will see him more quickly.

And I submit that if you are following a motorcycle the relative speed that you may have with respect to the motorcycle is considerably less than that which you are approaching him. And if you are following him and you don't know which way he is going, give him a toot on the horn and let him know you are behind him. Because I think he will have quite a lot of respect for you in an automobile.

I would just like to read you a portion of a letter that was in the paper. I am sure a lot of you read it. But, basically, it refutes the argument that motorcycles aren't built to run their lights very long. It says, "After two years and 11 thousand miles on our machine we are using the same battery with no ill effects from keeping the headlights on." And this particular cyclist happens to be a woman. And she and her husband cycle, apparently, quite a bit. And I feel this is an excellent measure; not only for them, but I feel it certainly is for the motoring public. And I hope you will vote to indefinitely postpone.

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

Mr. JACQUES: Mr. Speaker and Ladies and Gentlemen of the House: Well, I am a motorcycle rider; I have been for years. As a matter of fact, I used to come home every weekend from New York City on a motorcycle rain or shine, so I could get to Maine, so I wouldn't have to be in the hassle in New York City.

The American Motorcycle Association had a university make a survey of the states which presently has, three states that has headlights during the day. They come back with statistics that the first year the accidents were lower. The second year they got a little higher. And

the third year there was no effect at all. So I can not see why with a headlight on it confuses a lot of people. Like if there is an accident like usually during the holidays when the headlights are on you watch all over, you look around and you are wondering what is going on.

Like I said, I used to put on a thousand miles a week riding around New York City also. And there was never any idea of even putting a headlight on.

Like Mr. Dudley says — he operates a garage — I don't know what I would do if I got caught in around Enfield without a headlight and I tried to find one. Or even around Lewiston-Auburn, never mind, the motorcycle shops are closed on Sundays. And where could I buy a headlight.

Another thing. If I was involved in an accident and the headlight wasn't blamed at all for it, I would still — I would be violating the State law and I would be prosecuted.

Now, if I was selling motorcycles instead of automobiles I would do like Mr. Morton does. I would go along with this headlight business also.

Well, I think I don't know what else I could say to convince you gentlemen that this thing was presented to us in special session, and none of these motorcyclists — and we have got people like Jon Lund drives a motorcycle; John Reed rode a motorcycle; myself; and many more. And you are going to see many, many more motorcycles this year. Because a lot of them are buying them. And you are going to have to live with them. — And one gentleman said to me in this House here; if I could present a bill to do away with motorcycles I would do it.

Well, I hope that you people don't vote this way. I hope that you will vote on the merit of this thing, not on the idea of not having the motorcycle on the road. The motorcycles are here and they are going to stay here.

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

Mr. LACHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I submit to you that if your headlight burns out, whether it be on a motorcycle or on an automobile, if the station should

be closed on Sunday, or whatever day it may be, you wait until the following day of business and have it repaired. Or you wait until you can get it repaired. The State Police will not give you a ticket if your light is burned out. He will give you a warning, and have you fixed so that you can have it fixed.

Mr. Speaker, I would ask for a roll call.

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

Mr. FARLEY: Mr. Speaker and Ladies and Gentlemen of the House: Today we passed a bill we have on the books now I think we let our emotions get carried away with us. It was a very fine presentation by the gentleman from Augusta. But I think we all realize that legislation based on emotions ought to be passed in this legislature. I hope we found the error in our ways and go along with this Order this morning.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I must say I have developed a considerable admiration for the tenacity of this particular group.

I will attempt this morning to direct my remarks to things other than emotional appeals for the benefit of the gentleman from Biddeford. I have received a great deal of mail. I would wager I have received probably more mail than any member of this House on this bill. Some of it has been well-reasoned. A good deal of it has been more emotional than my appeal on the floor of the House. In fact, one letter accused me of being in league with the Communists, for introducing this particular measure. And a lot more of the mail was equally abusive.

I am not one who takes any kind of delight in forcing motorcycles off the road. I do not challenge them when I pass them; I do not open my door when they are passing me. I respect them as I respect anyone who has an automobile.

The sole individual reason that I introduced this measure was in the safety measure. No other reason. A good deal has been said during the debate on

this bill of the rights of motorcyclists. I think something else is at stake here; and that is the rights of the motorists. Because, just as no motorcyclist, I am sure, would like to be killed in an automobile accident; I am just as sure that no one operating an automobile would like to be responsible for hitting a motorcyclist and killing someone.

More and more people than ever have said, since this thing has begun to come around again, with inappropriate amendments and all the rest of it, and now ordering a repealer; more and more people have said; "Yes, I never really noticed it before, but I can see motorcycles coming an awful lot better when they are operating with their headlamps on." More and more motorcycles are operating with their headlamps on. I am sure you have all noticed this. Probably, just because this measure has been before the House.

The gentleman from Lewiston, Mr. Jacques, has indicated that more and more motorcycles will be on the road this summer because of the energy shortage and the rise in the price of gasoline. That, I feel, is a compelling reason for allowing this law to stay on the books. There will be more and more accidents if there are more and more motorcycles.

Some of you may have seen a timely article in last week's Parade Magazine that was written by a surgeon who has had opportunities to deal with people who have been involved in motorcycle accidents. I don't remember the exact title of the article, but it was something to the effect; "If You Want To Buy A Motorcycle; Don't." And his opinion was based on the fact of the substantial injury which is done at even low speed collisions involving motorcycles. At the end of that particular article he recited a very macabre joke which was in effect, "Buy your son a motorcycle for his last birthday."

I am pledged to the opponents of this bill, to show my good faith, that if this law, which will be going into effect after we adjourn, does not prove itself over the year as a safety measure; if I am fortunate enough to be re-elected to this body, I will come in here and support the repeal of the law. I still think it should be

tried. I think it will be a safety measure. I hope you will go along and indefinitely postpone this particular Order.

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

Mr. JACQUES: Mr. Speaker and Ladies and Gentlemen of the House: If you saw the petitions that are coming in; and the gentleman from Brunswick, Mr. LaCharite, if he saw the names from Brunswick that were signed on these petitions, he would change his mind, I guarantee you. Presque Isle; we have over a thousand names that have come in from the area of Presque Isle that people object to having headlights on. Now, these are people that don't ride motorcycles. I don't know if there is a thousand motorcycles in the Town of Presque Isle. And it is the same thing, even Cape Elizabeth; we have these here from Cape Elizabeth also. We have them from all over the State. These young gentlemen are picking these petitions up every day. I just had a slew of them that came in this morning with 1,500 names that this gentleman presented me. And every day they are getting some.

So believe me, when you go home, and this light goes on, you people are going to be in trouble, because this thing has never had a chance to have a public hearing on it. They were never notified and had a chance to see this in the paper. We had a public hearing on it; we had one person that opposed the bill. Because they didn't know about it.

All I got to say is; you wait until you go home and these headlights are going on; and you are going to get phone calls I will guarantee you. And these people right now — when you go home this weekend you will be getting phone calls.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I ask your indulgence on this Order. I realize that we have debated this before and that we did pass it.

However, I feel it is necessary, with the public outcry which has come about on the passage of this bill, I really feel obligated to discuss it again.

I ask you to vote against the motion to

indefinitely postpone this. The law that we passed a short time ago I feel is inherently unfair to the motorcyclist. First, it discriminates against the motorcyclist because it calls for only him to have his headlight on during the day. And in answer to Mr. LaCharite, if your headlight burns out in your car, at least you don't have to have it on during the day. So you can still drive around on Sunday or when you can't find a garage. And also, it is much easier to find just about any gas station would have a sealed beam for a car, but not for a headlight.

Second; many problems may develop due to this law. I would like to cover several problems that I can foresee. The electrical problems on a trip during the day. Your light is burned out or you get a rock through your headlight. This has happened to me. What are you going to do? You keep riding during the day. You run the risk of a fine. Or, if you do get involved in an accident, you run the risk of being liable for that accident while you are looking for a replacement.

You could also run into problems with your electrical system. Your bike is still running, but there could be a wire burned out or something that would prohibit your light to be on.

In response to the letter from the woman cyclist from the Bangor area; this is true. Perhaps some bikes are made so you could run indefinitely with a light on. But a great majority are not. I talked to a dealer just the other day. I was having problems with my battery. I got my bike started last weekend. And my light, incidentally, wouldn't work. And it was because my bike, the type it is, does not generate enough power when the battery is low to run your lights to recharge the battery. And this is a stock bike; it hasn't been changed at all.

Many of the bikes that have been changed, customized, so-called choppers, many do not even have very much of an electrical system. They run their lights right off the battery just as if it was a flashlight. And they have to run this all day long, the battery wouldn't last more than a couple of days.

Also, you may be placing a motorcyclist in jeopardy. If a motorist does not see the slight change, as

Representative Dudley mentioned, in the intensity between the taillight and the brake light on a bright day you may not see the motorcyclist braking. Also, on an overall view, there is not enough evidence in the eight states which do have a headlight law that they have caused any reductions in accidents or fatalities.

Mr. Speaker, Ladies and Gentlemen of the House, I am not against safety. As you know, I sponsored a bill in the regular session that set up a motorcycle driver training program. I felt there was ample evidence for this that this would benefit motorcyclists. I also introduced a bill and saw it pass on the tire tread depth law, because I felt there was ample evidence that the tire tread depth of a car or a motorcycle contributes to the safety. However, I have yet to see any evidence, except for emotional appeal, that shows that a law requiring a headlight will contribute to safety. I oftentimes do ride with my headlight on if I feel it is a hazy day or a cloudy day, I sometimes run with it on.

I feel the House should act responsibly on this measure. I feel we have wasted a lot of time in this special session. I think we have missed out on a lot of good bills. I would like to see that we can at least repeal one of our mistakes, which I feel this bill was, and I ask you to vote against the indefinite postponement and to pass the order.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: To be ultimately fair, I must advise you that like the letter I previously read from that was in the paper, I have another communication which says, "In two years I have used two batteries at a cost of more than \$22.00 each." So now we are even as far as comments from cyclists on that particular phase of it is concerned.

I don't know what the gentleman from Lewiston, Mr. Jacques, was referring to when he tied my business of selling automobiles into this safety measure. I don't want to get rid of them; I just want to see them better and quicker with these tired old eyes of mine.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I do feel that legislation compelling motorcycles to have their lights on is not fair and equitable. I believe that a law singling out motorcyclists to require them to have their lights on in the daylight hours is not fair. My experience has been that the motorcyclists that I have met on the road follow the safety requirements and use better judgment than most of the motoring public.

I would ask the members of this House how many car drivers have you seen without lights on a heavy foggy day barreling out of the mist and on you before you know they are there? How many people have you seen in the early morning hours and the early evening hours when daylight is just coming on us or just beginning to fade away? How many motorists have you seen barreling down the highway without their lights on? How many motorists have you seen on heavy rainy days without lights? I think as a whole the motorcyclists use better judgment than a good many motorists.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that all of these people that are speaking for this measure, if they are car operators they will operate with their lights on their car so that they can give the motorcycle driver the same courtesy which they expect. I will guarantee if the sun is out bright that some of them, when they come into this House, and they go out and they find their battery dead, that they are going to do a lot of cussing.

Now, the motorcycle is the same thing, his runs on a small battery, and why should he be used any different than the rest of us? In my area we have a large Kawasaki motorcycle shop. I have had may motorcycle drivers call me and wanted to know why I voted for this bill. I assured them that I did not vote for this bill, because I believe a law is not a good law unless it applies to every one equally. If we are going to pass a law

here today to make the motorcyclist run their lights all day, I hope an amendment will be put to it that all automobile drivers shall run theirs also.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Just before the vote is taken, I would like to correct the record. The gentleman from Lewiston, Mr. Jacques, is in error. The bill received its legislative due process. It was publicized in advance. It had a public hearing. I know that, because I presented the bill at the public hearing. In fact, the young man who is lobbying this bill in the corridors was at the public hearing.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Very briefly I would like to say I never received any letters on this. I did receive one call from a group that was circulating the paper in Presque Isle and where there are only four or five hundred motorcycles in the northern end of the county you can see that the petition that Mr. Jacques has mentioned is far off.

The gentleman that has circulated this paper, I might add, he is the new chairman of the Republican Committee. His name is John Adams in Presque Isle, and he works in the hospital and has the concessions in there and so forth. He took up a half an hour of my time, and during that half hour I would say he might have had one minute conversation that you would call conversation. So I wouldn't go too far on these petitions. I know, I have been meeting cars traveling with Mr. Good and Mr. Parks. We have been meeting cars, especially on one day when it was misty. We find that you can see a car, or a motorcycle as far as that is concerned, much further with the light on than you can up close to it.

I hope you will go along with the indefinite postponement of this order.

(Off Record Remarks)

The SPEAKER: The Chair recognizes

the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker and Members of the House: I would like to remind some people, you probably don't know, but there are some laws on the books that during inclement weather, deep fog, half hour before sunset and a half hour before sunrise, your lights must be on in the car.

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

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: There is just one point I would like to make. I have a motorcycle and I have done a considerable amount of riding in the past few years, but in every instance where we have almost had an accident with a motorist, it is just because the motorist hasn't bothered to look. One driver, as a matter of fact, just backed right out of the driveway and straight across the road, never moved her head one way or the other.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Brunswick, Mr. LaCharite, to indefinitely postpone House Paper 2042. All in favor of that motion will vote yes, those opposed will vote no.

ROLL CALL

YEA — Baker, Boudreau, Bustin, Cameron, Carey, Chonko, Cooney, Crommett, Curran, Davis, Farnham, Ferris, Garsoe, Good, Goodwin, K.; Hamblen, Hoffses, Huber, Kelley, R. P.; LaCharite, Lewis, E.; Littlefield, Mahany, Maxwell, McKernan, McTeague, Morin, V.; Morton, Najarian, Rollins, Sheltra, Smith, D. M.; Stillings, Susi, Theriault, Trumbull, Wheeler, Willard.

NAY — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Bunker,

Carrier, Carter, Chick, Churchill, Clark, Conley, Connolly, Cote, Cottrell, Cressey, Curtis, T. S., Jr.; Dam, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Farley, Farrington, Faucher, Finemore, Flynn, Fraser, Gahagan, Gauthier, Genest, Goodwin, H.; Hancock, Herrick, Hobbins, Hunter, Immonen, Jacques, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Lawry, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Martin, McCormick, McHenry, McMahon, McNally, Merrill, Mills, Morin, L.; Mulkern, Murchison, Murray, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Ross, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Soulas, Sproul, Strout, Talbot, Tanguay, Tierney, Trask, Twitchell, Tyndale, Walker, Webber, White, Whitzell, Wood, M. E.

ABSENT — Briggs, Brown, Evans, Fecteau, Greenlaw, Jackson, Jalbert, Knight, LaPointe, Rolde.

Yes, 38; No, 101; Absent, 10.

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

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

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Simpson of Standish, Recessed until one thirty in the afternoon.

After Recess 1:30 P.M.

The House was called to order by the Speaker.

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

Ought to Pass in New Draft

Committee on Election Laws on Bill "An Act to Clarify Certain Election Laws" (S. P. 729) (L. D. 2141) reporting "Ought to pass" in New Draft (S. P. 914) (L. D. 2526) under same title.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-373), Senate Amendment "B" (S-380), Senate Amendment "C" (S-388), Senate Amendment "D" (S-397).

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

Senate Amendment "A" (S-373) was read by the Clerk and adopted in concurrence. Senate Amendment "B" (S-380) was read by the Clerk and adopted in concurrence. Senate Amendment "C" (S-388) was read by the Clerk and adopted in concurrence. Senate Amendment "D" (S-397) was read by the Clerk and adopted in concurrence and the New Draft assigned for second reading tomorrow.

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Increase the Minimum Wage" (H. P. 1801) (L. D. 2321) Report A "Ought to pass" with Committee Amendment "A" (H-744) was adopted in the House on March 11 and the Bill passed to be engrossed on March 12.

Came from the Senate with Report B "Ought to pass" with Committee Amendment "B" (H-745) accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Dixfield, Mr. Rollins, moves that the House recede and concur with the Senate.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: As the members of the House are well aware, we passed by a very significant margin the \$2.20

minimum wage. Unfortunately, the other body did not see fit to go along with that and they went to \$2. This body has, during this session, I think demonstrated not only a concern for the people of Maine, as their House of Representatives, but also their willingness to seek a middle way, even at the expense of those that can least afford it.

We are in the process of preparing an amendment to seek a middle way between \$2 and \$2.20. I hope that someone in the House would table the matter until later in today's session so that we can offer that amendment.

Thereupon, on motion of Mr. Greenlaw of Stonington, tabled pending the motion of Mr. Rollins of Dixfield to recede and concur and later today assigned.

(Off Record Remarks)

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

MR. JALBERT: Mr. Speaker and Members of the House: Last week, I took quite a slap from the gentleman from Houlton, Mr. Bither, without opening my mouth. Yesterday afternoon, I stood on my feet for about five minutes to state what I intended to do today. I stated very clearly that smoking was very dangerous for me. I stated very clearly why we were having so much absenteeism. I stated very clearly what I intended to do. I so stated to the gentleman from Houlton, Mr. Bither. This morning, under absolute and proper procedure, when the Speaker of this House said "Orders," I got up and properly presented an order. If I was so out of order, I would like to know. If somebody didn't table the bill, that is none of my lookout. If somebody tables a bill when I am in the hospital or wherever I am, that is their lookout if they do it. It has been done for me, and I have done it for others. But as far as I am concerned, I have taken enough slapping around from the gentleman from Houlton, Mr. Bither. If he kicks back, believe you me, my wrath will come out very, very, very strong.

I claim that I have got as good manners as anybody in this House, and I

get kicked around just so long, and then I start fighting back, and I know how.

(Off Record Remarks)

Non-Concurrent Matter

Bill "An Act Establishing the Legislative Compensation Commission" (H. P. 2023) (L. D. 2566) which was indefinitely postponed in the House on March 12.

Came from the Senate with the Bill passed to be engrossed in non-concurrence.

In the House:

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

MR. SIMPSON: Mr. Speaker, I move we adhere.

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

MR. SMITH: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Dover-Foxcroft, moves that the House recede and concur. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Greenlaw of Stonington requested a roll call vote.

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

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

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

MR. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I hope this afternoon that we would vote to recede and concur on this measure. I was certainly slow to get on my feet to express my support for this measure yesterday, but I do think that this idea of a Legislative Compensation Commission that would meet once every four years to review legislative salaries and expenses is extremely important. I think we all agree that they did an excellent job.

They were able to gather data and material that we would not normally have. They were able to review actions that other legislatures took, and I think it is extremely important that we recede and concur today with the action of the other body so that we may adopt this procedure and have some input upon which we can make future decisions on this issue.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was one of those who came and appeared before this eminent commission as it has been called, and I have no doubt that the people who served on the commission were eminent people, but by and large, they were not familiar with the legislative procedure. I think the voting of a raise in pay should be left up to those people who are in the legislature.

You know, we talk about the money that we spend. This is another \$5,000. We have study commissions for people to go here and go there, they travel to Presque Isle and stay overnight, then they come down back through to Bangor and some other day. They meet here and then they meet in Portland.

Now, I am not making a big hassle over the thing but even when they came before us, I mean, I had made a suggestion to them which they were ready to accept which would have completely destroyed their report. They came and admitted that they had forgotten the Indians and they admitted — two members admitted to me afterwards that they didn't even know that we were paying the Indians, so certainly their homework couldn't have been done that well. They may be eminent people, but they were certainly eminent people who were not at all cognizant of what was going on in the legislature.

Now, somewhere along the line, you know, some people aren't exactly eating ten slices of bread at noon. Now, \$5,000 may not sound like a lot of money to some, but it seems to be a goodly sum of money to me. I think we could have a meeting as we have within ourselves to decide what we are going to do for or against the raise among ourselves. I

have never heard of anywhere else where they have such a thing as a Legislative Commission to decide what we should or should not have for raises in pay.

Certainly, Mr. Speaker, I do hope that the motion for us to recede and concur will not prevail.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I promise you that I will never say another word after this. Probably it will be dead anyway.

I think this is a very important matter. It is a very, very, very common form around the United States, contrary to what Mr. Jalbert has said. There are, I think, about 25 such commissions. They work very effectively. I think this commission has worked very effectively; I think their job has been absolutely commendable. It seems to me that this is a logical way of helping us with this hassle of legislative salary increases.

I don't see how the heck we can stand here and hold ourselves so much above the public that we can point the finger to them and say to anybody—people outside the legislature — they don't know what goes on here, we do, and therefore we are the only ones that should talk about it. I don't find that to be an acceptable explanation why we should kill this, and I hope that you will vote to recede and concur today. I honestly and sincerely hope that.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I hope we don't go through with this motion today. I am one of those who has been here quite some time, and I am a little bit jealous of giving away my rights to commissions or to others. I think that we are capable of making our own decisions in this body, and we should make our own decisions. So I hope we don't go along with the prevailing motion.

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

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

Very briefly. I am sorry, I can't agree with the gentleman from Dover-Foxcroft. I attended one of these meetings. I am not blaming the committee for anything, but the people they had to make the suggestions weren't qualified. I think he has got to admit the same thing.

Furthermore, if they come in with a bill, same as they did this year, or recommendations, we still don't have to accept them. We still can turn them down. There is no such thing as telling us what we are going to have, because it has got to come on this floor and we have got to vote on it. To waste money, like they said last year, and make trips all over this state and stay overnight, which they had to, I will admit, if I had been on the committee I probably would have done the same thing. I say it is too much money because it isn't going to do us one bit of good. I think the only people capable is the 184 people, as I have said twice before, that can tell us what we should have for salaries or what we can get along with. I hope you vote against the motion to recede and concur.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know what you are getting for flak on all these commissions we are creating up in this session, but back home in the last two weeks I have got plenty of it in opposition to creating so many commissions. And the blank statement is, we send you up there to represent us. We don't want the power delegated to somebody else.

The SPEAKER: The pending question is on the motion of the gentleman from Dover-Foxcroft, Mr. Smith, that the House recede and concur with the Senate on Bill, An Act Establishing the Legislative Compensation Commission," House Paper 2023, L.D. 2566. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Birt, Briggs, Bustin, Chonko, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Deshaies, Dow, Dunleavy, Farley, Fraser, Gahagan, Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Jackson, Kilroy, Lawry, LeBlanc, Lynch, Martin, Maxwell, McKernan, McMahon,

McTeague, Morin, V.; Mulkern, Murray, Najarian, Palmer, Peterson, Pontbriand, Smith, D. M.; Soulas, Talbot, Tierney, Whitzell.

NAY — Albert, Ault, Baker, Berry, G. W.; Berube, Binnette, Bither, Boudreau, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Carter, Chick, Churchill, Conley, Cote, Cressey, Crommett, Curran, Dam, Davis, Donaghy, Drigotas, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Faucher, Ferris, Finemore, Flynn, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Hamblen, Hoffses, Huber, Hunter, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Mahany, McCormick, McHenry, McNally, Merrill, Mills, Morin, L.; Morton, Murchison, Norris, O'Brien, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Susi, Theriault, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Brown, Clark, Dudley, Fecteau, Jacques, LaCharite, LaPointe, Maddox, Ricker, Rolde, Santoro, Smith, S.; Tanguay.

Yes, 42; No, 95; Absent 13.

The SPEAKER: Forty-two having voted in the affirmative and ninety-five in the negative, with 13 being absent, the motion does not prevail.

Thereupon the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities" (S. P. 737) (L. D. 2149) which was passed to be engrossed in the House on March 12 as amended by Committee Amendment "B" (S-374) and House Amendment "A" (H-753).

Came from the Senate with Committee Amendment "B" indefinitely postponed and the Bill passed to be engrossed as amended by House Amendment "A" (H-753) in non-concurrence.

In the House:

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

Mr. HAMBLÉN: Mr. Speaker, Ladies and Gentlemen of the House: After reading this bill, I would somewhat question the philosophy behind it and also the projected cost. I am very much opposed to start making exceptions to the Maine income tax law. I think right now we have a very workable law. We don't have all the exemptions and exceptions that the federal government does.

What this bill reportedly tries to do would be to allow a 7 percent credit on pollution control facilities, and it is supposedly based after the federal law, which provides for a 7 percent credit on certain machinery and equipment. The federal tax rate of 22 percent is hardly comparable to the Maine tax rate of 4 or 5 percent. So really, under this bill taxpayers in Maine would get a much bigger break.

I feel so strongly against this that I would move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair would inform the gentleman that the only motions that are in order are to recede, recede and concur, insist or adhere.

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

Mr. COONEY: Mr. Speaker, I move that we adhere.

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

Mr. SIMPSON: Parliamentary inquiry. If the House were to recede, the gentleman from Gorham's motion then would be in order?

The SPEAKER: The Chair would answer in the affirmative.

Mr. SIMPSON: Then for the gentleman from Gorham, I would move that we recede.

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

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

Mr. SMITH: Mr. Speaker and Members of the House: I was just looking this bill over, too. It is a little difficult, first of all, to tell how much money this is going to mean to the State of Maine. It seems to me that on the

whole it is extremely open ended. I would urge some of the others to look this bill over very carefully before we let it go any further.

It seems to me that the very notion of a tax credit itself implies that an incentive is required to accomplish some end. To me, there is no necessity here for incentive, because the end which this bill is supposed to accomplish is already required by federal legislation by mandate.

So with these two considerations, first of all an apparent lack of any notice here of how much this is going to cost the state and that the theory of the bill itself is not necessary, because there is no incentive required, I would move the indefinite postponement of this bill.

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

A vote of the House was taken.

99 having voted in the affirmative and 5 having voted in the negative, the motion did prevail.

Thereupon, the House voted to recede from passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Hamblén.

Mr. HAMBLÉN: Mr. Speaker, I now move the indefinite postponement of this bill.

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

Thereupon, Mr. Dam of Skowhegan requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Gorham, Mr. Hamblén, that this Bill and all accompanying papers be indefinitely

postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Bunker, Bustin, Cameron, Carey, Chick, Chonko, Clark, Connolly, Cooney, Cote, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Evans, Farley, Farrington, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, HH.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Hunter, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, Mahany, Martin, McHenry, McNally, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Norris, Parks, Perkins, Peterson, Pratt, Rollins, Ross, Shaw, Sheltra, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Sproul, Stillings, Strout, Talbot, Theriault, Tierney, Trask, Trumbull, Twitchell, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Berry, G. W.; Carrier, Conley, Cottrell, Dam, Dow, Emery, D. F.; Farnham, Faucher, Gauthier, Herrick, Huber, Immonen, MacLeod, Maxwell, McCormick, McKernan, McMahon, Merrill, Morton, O'Brien, Palmer, Shute, Susi, Tyndale.

ABSENT — Brown, Carter, Churchill, Fecteau, Hoffses, Jacques, LaCharite, LaPointe, LeBlanc, Maddox, McTeague, Najarian, Pontbriand, Ricker, Rolde, Santoro, Smith, S.; Tanguay.

Yes, 107; No, 25; Absent, 18.

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

Sent up for concurrence.

Non-Concurrent Matter

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

2565) Emergency which was passed to be engrossed in the House as amended by House Amendment "A" (H-748) on March 12.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "A" (H-753) as amended by Senate Amendment "A" (S-392) thereto in non-concurrence.

In the House:

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

Mr. NORRIS: Mr. Speaker, I move that the House recede and concur with the Senate.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to pose a question through the Chair on this bill. As I read the statement of intent, we are addressing the effective date for salaries for state employees, and my question would be, are we increasing the salaries of judges within the state in 1974, or are we increasing them in 1975?

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

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

Mr. NORRIS: Mr. Speaker and Members of the House: My understanding is that we are increasing the judges salaries the same as we are increasing the state employees salaries, which would be effective April 1, 1974.

Thereupon, the House voted to recede and concur.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to Initial Changes in the Penal System of the State and the Rights and Duties of Convicted Persons" (H. P. 2015) (L. D. 2556) which was indefinitely postponed in the House on March 8.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-394) in non-concurrence.

In the House:

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

Mr. FARRINGTON: Mr. Speaker, I

move that we recede and concur with the Senate.

The SPEAKER: The gentleman from China, Mr. Farrington, moves that the House recede and concur with the Senate.

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

Mr. CARRIER: Mr. Speaker, I would like to make a point of inquiry, please. Is the amendment before us germane to the issue, Senate Amendment "A"?

The SPEAKER: The Chair would rule that that is not germane.

Mr. CARRIER: Mr. Speaker, can I move to indefinitely postpone, or do I have to?

The SPEAKER: The motions that can be made are to recede, recede and concur, insist or adhere.

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

Mr. FARRINGTON: Mr. Speaker, I certainly don't rise to challenge the Chair, but I would like to have this tabled until later in today's session. Are we going to have more on our calendar than what is before us?

The SPEAKER: The Chair would answer in the negative. There will not be a new supplement. There are several matters tabled until later in today's session.

Mr. FARRINGTON: May I have this tabled for one day.

The SPEAKER: The gentleman may not debate his tabling motion.

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

Mr. McKERNAN: Mr. Speaker, a point of parliamentary inquiry. Is the motion to recede and concur in order once you have ruled that the amendment is not germane?

The SPEAKER: Such a motion is obviously in order, but this Senate Amendment "A" would not be on the bill. The Senate apparently did pass to be engrossed the original bill, whereas the House had indefinitely postponed this original bill.

Thereupon, on motion of Mr. Perkins of South Portland, tabled pending the motion of Mr. Farrington of China to recede and concur and tomorrow assented.

Messages and Documents

The following Communication:
THE SENATE OF MAINE
AUGUSTA

March 14, 1974

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

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Providing for Maine Motor Vehicle Insurance Reform" (H. P. 1963) (L. D. 2504)

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
AUGUSTA

March 14, 1974

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

The Senate voted to Adhere to its action whereby it accepted the Majority **Ought Not to Pass** report on Bill, "An Act Relating to Price Information on Prescription Drugs and Permitting Advertising of Prescription Drug Prices" (H. P. 1793) (L. D. 2271).

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill went in the burial ground down in the other body. We say goodbye to it at this time, but I am quite certain that there will be people like myself who will be coming back with it until something is corrected in the field of health care and the prescription advertising of drugs.

Thereupon, the Communication was ordered placed on file.

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

Bill "An Act to Amend the Industrialized Housing Law," (H. P. 927) (L. D. 2558) which was passed to be engrossed in the House as amended by House Amendment "A" (H-746) on March 11. In Senate: Bill passed to be engrossed as amended by House Amendment "A" (H-746) and Senate Amendment "A" (S-393) in non-concurrence.

On motion of Mr. Simpson of Standish, the House voted to recede and concur.

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

Bill "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense" (H. P. 1991) (L. D. 2535) which was passed to be engrossed in the House as amended by House Amendment "A" (H-729). In Senate: Bill passed to be engrossed as amended by House Amendment "A" and Senate Amendment "B" in non-concurrence.

On motion of Mr. Martin of Eagle Lake, retabled pending the motion of Mr. Susi of Pittsfield to recede and concur and later today assigned.

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

Bill "An Act to Provide a Maine Homestead Property Tax Exemption Law" (H. P. 2027) (L. D. 2568) which was passed to be engrossed in the House on March 13. In Senate: Majority "Ought not to pass" Report accepted in non-concurrence.

Pending — Motion of Mr. Simpson of Standish to recede and concur.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I appreciate very much the courtesy of this House. I know all the members are familiar with the bill. I appreciate very much the support given on this bill. Unfortunately, as I understand it, although I was not

present in the other body, there was no explanation or debate on the bill.

I am not going to ask for a Committee of Conference or anything like that, but if the motion is in order, Mr. Speaker, I would ask that we insist in order to have the bill considered.

The SPEAKER: The Chair would inform the gentleman that the pending motion is on the motion of the gentleman from Standish, Mr. Simpson, that the House recede and concur.

Mr. McTEAGUE: Mr. Speaker, I would ask then that you vote against the motion made by my good friend, the gentleman from Standish, Mr. Simpson, in order that my equally good friend and my colleague from Brunswick, Mr. LaCharite's motion to insist may come before you.

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

A vote of the House was taken.

35 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. LaCharite of Brunswick, the House voted to insist.

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

Bill "An Act to Increase the Minimum Wage" (H. P. 1801) (L. D. 2321) Report "A" "Ought to pass" with Committee Amendment "A" (H-744) was adopted in the House on March 11 and the Bill passed to be engrossed on March 12.

Came from the Senate with Report "B" "Ought to pass" with Committee Amendment "B" (H-745) accepted and the Bill passed to be engrossed in non-concurrence.

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

Mr. MARTIN: Mr. Speaker, as I understand it, the pending motion is the gentleman's motion from Dixfield, that we recede and concur with the other body. I would ask you to vote against

that motion, and when the vote is taken, I would ask for a roll call.

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

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: A number of people have asked and said, what will happen if the other body should continue to insist? I don't think that is a problem at all, because if the other body wishes to do that, they can further insist on their action and we will get ourselves caught in a position where there will be no bill. I do not believe that the other body would do that at this time, because they are fully aware of the consequences that would have on Maine people.

I do think strongly that we ought to make one attempt, since the vote of the House was so substantial, to give the other body an opportunity to vote on the \$2.20. That is what this will do. If you vote against the motion to recede and concur, the next motion to be made would be the motion to insist.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Dixfield, Mr. Rollins, that the House Insist. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Bragdon, Cressey, Dunn, Garsoe, Huber, Hunter, Immonen, Knight, Lewis, J.; McKernan, McNally, Palmer, Pratt, Rollins.

NAY — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Bunker, Bustin, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Drigotas, Dunleavy, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Ferris, Finemore,

Flynn, Fraser, Gahagan, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Hoffses, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, Lawry, Lewis, E.; Littlefield, Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Parks, Perkins, Peterson, Pontbriand, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Talbot, Theriault, Tierney, Trask, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

ABSENT — Briggs, Brown, Cameron, Carrier, Donaghy, Dow, Dudley, Fecteau, Herrick, Jacques, LaPointe, LeBlanc, Maddox, Ricker, Rolde, Ross, Santoro, Shelta, Smith, S.; Tanguay, Trumbull.

Yes, 15; No, 114; Absent, 21.

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

Thereupon, on motion of Mr. Martin of Eagle Lake, the House voted to insist.

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

Joint Order (H. P. 2025) Relative to Legislative Council Study of Utilizing the Women's Correctional Center at Skowhegan for a Veterans Home which was read and passed in the House on March 8.

Comes from the Senate with the Joint Order indefinitely postponed in non-concurrence.

On motion of Mr. Birt of East Millinocket, retabled pending further consideration and tomorrow assigned.

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

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

in the House as amended by House Amendment "A" on March 5. In Senate: Bill passed to be engrossed as amended by House Amendment "A" and Senate Amendment "B" in non-concurrence.

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

Mr. MARTIN: Mr. Speaker and Members of the House: By the time that we get to the end of the debate, the amendment that is being prepared by the gentleman from Winslow, Mr. Carter, will be before us. It is presently being reproduced. There is already one amendment now that is before us, and we will have to dispose of that particular amendment.

In order to deal with those amendments that will be in front of us, I would now move that we recede.

Thereupon, the House voted to recede.

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

Mr. MARTIN: Mr. Speaker, I move the indefinite postponement of Senate Amendment "B".

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

Mr. JALBERT: Mr. Speaker, could someone tell me what Senate Amendment "B" is, please?

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Senate Amendment "B" is the one that the bill came over with from the other body, and what it calls for is an increase in the amount of money that would go to the distributor from $\frac{2}{4}$ to $\frac{3}{4}$ percent of the total amount of money received.

A number of people have expressed some concern that this would be a very high price to pay for the passage of the catastrophic illness bill. The amendment would mean that the state would have to pay an extra \$200,000 for the biennium to the wholesale distributors for the handling of the cigarette tax.

Initially this morning, I felt that maybe we ought to go along with it and I also expressed my concern in my position. But a number of people have

indicated to me that the bill would not be acceptable if this amendment were to be added to it. As a result of that, I have felt that the bill ought to stand on its merits and that is the reason why I moved the indefinite postponement of Senate Amendment "B", even though one of my best friends will be very very upset with my position. And that very very good friend of mine happens to be a member of the lobby, but unfortunately this I cannot go along with. For that reason I would ask you to support the indefinite postponement.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House; The gentleman from Winslow has the amendment. If you will be at ease just for a second, it will be right in front of us and we can dispose of the matter.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill could have easily been passed in this House if the man in the corner had stopped playing games with it, stop talking about sending some seed money to the Health and Welfare. All we had to do was initiate a two cent tax on the bill, and take 2.8 million dollars generated by it, and put it toward the cost of the catastrophic illness plan. It would have been as simple as that. So, he decided to play games by sending some money here for seed money to expand the budget of Health and Welfare. At that point, I couldn't buy it. If that is still the plan before this House, I still can't buy it.

Mrs. Morin of Old Orchard Beach offered House Amendment "C" and moved its adoption.

House Amendment "C", (H-762) was read by the Clerk.

Mrs. MORIN: Mr. Speaker and Members of the House: The intent of this amendment is to revert Section One back to the original intention of catastrophic illness coverage for those people who are not covered by any welfare assistance either local, State or Federal. People to whom I have spoken do approve the two cent cigarette tax for

this type of program. Some are under the impression that L.D. 217-B was the same as last year's bill. But when I explain it to them that it is partly to cover Title 19 they changed their mind.

If the federal government comes out with a catastrophic illness bill of its own we will already be set to set up to match funds and implement it.

I do hope you will accept the amendment and pass the bill so that the middle income section of our citizenry will get some relief for when they are struck with an illness that can ruin them economically.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, I cannot buy the amendment in the sense that this would solve the problem that we would be hoping to solve. I would ask you first to read the amendment and to listen to the comments that I make along that line.

One of the worst things we could do would be to pass legislation, which would create a false impression with Maine citizens. If we were to enact a bill with the amendment, that has been proposed just now, you would create a situation where you would be unable to make the necessary payments to those people who will need the help and I would like to explain.

You are talking of handling catastrophic illnesses based on a formula that is broader than the one that is in the bill that I have and is contained in Committee Amendment. You are not increasing the amount of the money. You are simply saying that there will be about 2.8 million total for expenditures, and that 2.8 million cannot be matched by the Federal people in any way, shape or form. So, you would have to take the 2.8 and try to assist the fifty to seventy-five thousand people that could possibly benefit from the original intent of that legislation. What, therefore, would happen is that a maximum limit would have to be placed. And that the real people who would need the help would not be in a position to be assisted. I have discussed with some of the Federal people the problems. And there is no way

that we could, in effect, help the people that we want to help, with that amount of money.

If we were to increase the 2.8 million to the 6.8 million or the seven million dollars, that this bill would generate, then that would be a possibility. In order to accomplish that we would have to, in effect, double, at least, the cigarette tax, that is presently being proposed under this bill.

I understand the hesitation of the gentlewoman, from Old Orchard, and I sympathize with the problems that has created as a result. Unfortunately, this amendment would create a serious problem and would seriously hinder the possibility of making catastrophic illnesses a reality, in this State so, Mr. Speaker, I must move indefinite postponement of House Amendment "C".

The SPEAKER: Mr. Martin, the gentleman from Eagle Lake, moves for Indefinite Postponement of House Amendment "C".

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take issue on one or two statements of the gentleman, from Eagle Lake.

He mentioned some seventy thousand people who would be hurt by this particular amendment. I think the seventy thousand people he is referring to are those who are presently in the category of receiving Aid to the Aged, Blind and Disabled, which will be coming forth under this USSI Bill, and also some forty or fifty children, who are presently under the AFDC Program. I feel that these two sectors for the young and the elderly are perfectly taken care of at the present time by Federal and State funds.

I think what the gentlelady from Old Orchard Beach, Mrs. Mortin, has in her amendment here represents the sum of 2.8 million dollars which can be used for those who are above the economic guidelines and funds are not available to, or from Federal and State funds. Now, possibly we will be losing matching funds from the Federal Government on this amendment. But if this 2.8 million dollars can be used for what it is

intended to be used under this amendment, I think we will be very close to covering the cost necessary to fund this in its first year.

I think within six months to a year, we are going to have some problems, not only in catastrophic illness but in everyday pain and suffering incurred by elderly people, in as much as the new USSI guidelines set a maximum benefit of \$190.00 a month, which includes their Social Security and their shelter program, unless these people are in nursing homes or boarding homes, which is covered under Title 16 or 17 or 19; these people will have no relief whatsoever.

So, possibly we should look over this amendment very carefully and decide whether we want to go into the field of trying to help people who are above the economic guidelines to cope with catastrophic illness or whether we want to pass the bill as written and let the Department of Health and Welfare play around with three million dollars worth of taxpayers money.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment presented to you by the gentlewoman from Old Orchard Beach, in my opinion, eliminates the false impression that is created by the present bill, which purports to give the people of this State 2.8 million dollars for catastrophic illness, when, in fact, only \$800,000 dollars would be used for that purpose.

Mrs. Morin's amendment attempts to put this bill back into its original intent, where it will give some aid to middle-class families of this State, who now find themselves burdened by the cost of catastrophic illness. Let's stop playing games with words. Adequate aid is available now to help those in the low-income categories. Let's do something to help the people in this State, who are above the poverty guidelines, the same people who are now paying the bills.

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

Mr. MORTON: Mr. Speaker, Ladies

and Gentlemen of the House: I would like to correct an impression that seems to have been engendered here that this bill, as it was originally brought out, and without this amendment, reaches down into the category of folks who are presently eligible for general aid.

I would submit to you, ladies and gentlemen that all of the money which is generated by this bill goes to people who do not get general relief. The two million that is set up in the bill, the four million in Federal funds, that this will generate, and the \$800,000 above that.

We talk about middle-class. The point remains ladies and gentlemen, that everyone who is not eligible for general relief, has no access to any medical help whatsoever, under the present law. This bill creates a new group just above those who are eligible for general relief and greatly broadens the scope of the ability to take care of the medical problems of this group. I am sure you will all agree with me that the closer a family group comes to the poverty lines so-called, the more likely it is that medical bills will put them over the bracket into the poverty area. Though it is pretty obvious that the reasonable low medical expenses will turn these kind of folks into folks that are below the poverty line.

This is what this bill intends to do; it attempts to get at this broad spectrum of people who are not eligible for general relief as is possible in this State. And as we have pointed out in the debate in the past, medical indigency, which may be a term you don't understand, and you don't like the sound of it, is something that can happen to folks who get ten, fifteen, twenty-five thousand dollars a year. They, too, can be medically indigent and can benefit under the terms of this bill.

I am sure you will all agree that if there is two million available and \$800,000 more and that's all; certainly, no where near as many folks can be helped as if we have got two million, which generates an additional four million of Federal money, plus the \$800,000. There seems to be no question, as far as I am concerned.

We are not playing games. This isn't seed money to expand the Department of Health and Welfare. It's an opportunity that is presented under the law that

exists at the present time, to help a great many more people in the State of Maine. I would urge you to really know what you are voting on here and take this amendment and go with the original bill.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from Farmington, and ask him if he doesn't believe that the addition of the clause for where it can be determined that medical indigency exists, completely changes the thrust of the rest of that first paragraph?

Secondly, I would pose a question to anyone else who might care to answer. What assurance do we have in this House that we would have the use of the full 2.8 million dollars for the purpose of catastrophic illnesses and not for other purposes?

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the second part, because I guess I missed the first question that was posed. I was not listening because he was posing it to the gentleman from Farmington. I would like to answer the second question.

If the gentleman would look at the Committee Amendment "A", I don't have it in front of me, but there is a portion in Committee Amendment "A" that specifies that the funds shall not lapse and shall not terminate. That language specifies that those funds will remain within that account. The only way that there could be a transfer would be if the transfer were requested by the Department, in turn, to the Bureau of Accounts and Controls, and in turn, approved by the Governor's Executive Council. The Executive Council would have to approve any transfer of those funds from one account to the other.

As you well know, and I won't be the last one to say it, and I won't be the first, that when we go home, some of these departments do make an attempt to transfer funds from one account to the other. And I want to emphasize that if you're asking if it can be done, the

answer is yes, it can be done. But I can assure you, from my conversations that I have had with the Governor on this issue, who feels most strongly about it, that there would be no way, in his opinion, that he would ever consent to allowing transfer of funds from this account to another. Without the approval granted on behalf of that, then there would be no way for the transfer of funds from this account to the other. I hope I have responded to the question.

Mr. Farley of Biddeford was granted permission to speak for a third time.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I asked the question to the Minority Leader, where we could go in regard to this. I got no response to this at all, as to whether you provide written proof that this money would be transferred back into your catastrophic account and that, that seed money is going to find its way back there, in fact. And what is that seed money going to do to the Health and Welfare budget?

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the question, if I may.

I guess that I was not aware that the gentleman posed a question to me. It has occurred and I apologize for having forgotten about it. I do have a letter in my office, which I would be more than happy to supply to him, which indicates that in that letter, which has been signed by the Commissioner of the Department of Health and Welfare.

Second, I do have a verbal commitment from the Governor and I am sure that we can also get that in writing if we would so want to. I am sure that we can get it. Because I feel as strongly as the gentleman from Biddeford does, that those accounts and that money in that account, ought to be for that purpose and no other purpose within the Department of Health and Welfare.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I apologize

to the gentleman from Kennebunk, I know he addressed a question to me but I did not have it directly in front of me at the time, so I am not sure what his question was. If he cares to restate it, I will try to answer it.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess the further we get into this bill, I think the more complicated it becomes; the more troubled I get with the particular piece of legislation. It seems to me that originally we were talking about catastrophic illnesses, and we seemed to get away from that particular subject, and now, through this amendment, we seem to be coming back to catastrophic illnesses.

The bill, as it came out in redraft, starts to get involved in the medically indigent, and I guess as one member of the committee that is studying this thing, if we are going to start to set up a program right here to help the medically indigent with their health problems in the State of Maine, I would be the first one to say that we ought to save the State the additional amounts of our \$15,000 for the study and work with this particular issue.

The one thing in the debate the other day that troubled me quite consistently was the fact that this is not dedicated revenue, that this is revenue going directly into the General Fund, which then does go to the Department of Health and Welfare. That is the way it is set up in the particular bill and I believe it can be transferred. I think it can be manipulated. This troubles me a little bit.

In the debate just now, I heard that there were fifty to seventy-five thousand people that this bill could apply to with the present amendment. I would say that I would not question the figure of fifty to seventy-five thousand, but I would question the impression that I believe was left in this body that there would be that many people taking advantage of this piece of legislation, because I seriously doubt if there are that many people with catastrophic illnesses or catastrophes in this state.

I guess I am going to support some version of this bill, but I don't know exactly which version yet. But I am going to tell you this; if I ever come back here in the next session, I certainly never will support any increases in this particular thing through another tax measure to do anything.

The other day in the debate, the gentleman in the far corner and I tossed a few remarks back and forth relative to his statement that people had been advised in this state to abandon their families and divorce their spouses in order to collect aid. I challenged that statement as being irresponsible, and so forth, that it was made on behalf of a State official or any State official that were to do that. The next day I received a phone call while I was on the floor, and that evening I returned the phone call, and I was going to supper with a few people. And 55 minutes later I got through talking with a young lady that gave me quite a presentation. I think that one phone call probably did more to change my mind on this vote than anything else; to the point that I will support something that is going to be done with real catastrophic illnesses facing some people in this state.

Just to set the record straight, this woman told me of her problems. I am not going to put them in the record, but I believe it refers to the same woman that the gentleman was talking about the other day. She advised me that night that she was told to break up her family by Commissioner Fisher with the blessing and in the presence of Governor Curtis and Mrs. Jadine O'Brien. Something is drastically wrong, I will admit. When it comes to the point that we have got monies in one account that can pay for catastrophic illnesses in this state, if I want to break up my family and divorce my wife just to get it, and that I have to be advised to do so by a State department official or anybody else in this body, whether it be me or any one of you, maybe that is not our problem. Maybe the problem lies in Congress. Maybe that is who will set the guidelines and the rules the Department has to work upon. But I don't know as they are items that we should have to subscribe to as a moral part of life.

I guess as long as that is on the books and we have to live with it, and I am going to support something. I am still not convinced yet whether I am going to support this amendment or the original bill, although I tend to agree with this particular amendment because it deals with something that I think we have got to hit, and that is those people that absolutely do have a catastrophe. We do have some people in this state that have lost their house, their cars, their jobs, and to me that is a catastrophe. Somebody that has got a thousand dollar medical bill that just can't pay for it, to me, that is not a catastrophe, and I don't believe that is what we should be getting ourselves into.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't agree with the gentleman from Standish any more than what he has said. Because I think probably, and we have not discussed this before, probably his conversation with the lady was, probably, from the same person from whom I got a letter, and outlined the problem and pointed out an unreal situation where medical bills have reached a point where they are considering anything possible. When the question was asked and the answer came back; yes, you can do it, provided you are on AFDC. Because under the program, the Federal requirements set up, 100,000 people in Maine are automatically eligible under that program. Under the second program for the elderly another 100,000 people apply. So, automatically you have 200,000 people that qualify for all coverage of medical expenses paid for in part by State and the rest of it, three-fourths, roughly, 70 percent to be exact, by Federal funds.

As I understand it under the new SSI, which the Federal government is pouring down our throats, we are going to automatically cover another thirty to fifty thousand people, under some form of National Health Insurance, if you want to call it that. Then you take the remainder and that is, basically, what we have to work with.

The other day someone raised the issue about exactly how much money are we paying to hospitals through the general relief program; the towns paying out, in other words. The figure last year; somewhere around a half a million dollars that we paid. Keep in mind that all of this money that was paid by the State could not be matched with Federal Funds of any kind under, again, another complicated program that we have. And so those are actual tax dollars that were spent on hospital care and will be as we progress because of the new State law that we passed at the regular session that says that anything, as you remember, over .006 of 1 percent of your State valuation of your community will be reimbursed by the State directly. So that anything beyond that .006 of one percent of the valuation is going to be paid by total State dollars under the general assistance program not being in any position to be matched the way that I understand it. If this bill goes through with committee amendment, as it comes out of the committee, that will become a matchable item. I wish I could say darn the Federal Government and let's ignore them. Boy, they pass the regulations and we just have to sit here and we have got to lump them most of the time.

Here is one again that works the way against us. But if, as I understand it, in talking with the Federal people, that \$500,000 that the State expends would now become matchable provided it were paid under this particular bill. Again I emphasize the one that is in Committee Amendment "A". That is one reason why I think that you ought to vote with the committee draft. The second reason is that you are talking about trying to handle the same number of cases under this bill with roughly \$2 million vs. the \$6.8 or the \$7 million total package that would be achieved by the passage of Committee Amendment "A" on the original bill, for basically the same program, to help the same people. And I think we can help more people if we are to adopt the bill with Committee Amendment "A" than we are with House Amendment "A". I beg and I plead with you to vote for the original bill and to vote against the pending House Amendment.

Mr. McMahon of Kennebunk was granted permission to speak a third time.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly. First I wish to thank the gentleman, Mr. Martin, as I accept his offer to see the elusive letter which to this date has been very hard for many of us to see, although I have heard about its contents.

I would like to restate my question to the gentleman, Mr. Morton, as a statement. I look at the title of this bill, the redraft bill, L.D. 2535, "An Act to Increase the Cigarette Tax and Provide Funds For Catastrophic Medical Expense" I read down through the first paragraph down to the word "individuals", and I think to that point it coincides with the intent expressed in the title. However, when I read the last clause; "or when it can be determined that medical indigency exists," I believe the whole thrust of the bill as rewritten is different. I think the effect is to change this toward a group which is defined by income level rather than need, and that is what I object to.

The gentleman, Mr. Simpson, made the point that I think I am trying to get at very well in his comments. And to Mr. Morton; that is my question; does not, in fact, the last clause of that paragraph change the thrust of the bill in the direction in which I stated?

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

Mr. MARTIN: Mr. Speaker and Members of the House: I will try to respond to the question because the gentleman from Farmington, Mr. Morton, has gone out, and I will try to respond to it as best as I can.

To explain it; I would just like to use a couple examples to illustrate the point. I will repeat again, that what I am talking now is about Committee Amendment "A" because that is what I have been most involved with. The catastrophic illness proposal anticipates somewhere between 150 cases will meet the necessary eligibility requirements. The assumption is based on what is available from the files from the number of requests that is made on a day to day basis from either politicians or the

Department. Let's assume that someone had an annual income of \$20,000 a year under this bill, and a family, and that with \$20,000 in excess net worth, eligibility would require that they be spent for an individual family member the following amount of dollars before they would qualify for catastrophic illness; 20 percent of that \$20,000 would be \$4,000; ten percent of the \$20,000, again beyond that would be another \$2,000; and the coinsurance provision in the bill is \$1,000; so that a total of \$7,000 would have to be expended before catastrophic illness could be of assistance, including, of course, the provision of third part benefits.

The second portion which the gentleman from Kennebunk, Mr. McMahon, asked a question about the indigent problem, which I think is most important. Let's assume that you had a person with a very low budget, and that the person was making roughly \$420 a month, which is a pretty common figure for many people that work in the shoe shops and in the wood industry in Maine. In order to qualify, his eligibility would have to meet what is called the 133 percent of that figure, which would come out to \$560 for that month. And at that point the person would then qualify for the second provision of the bill which would make the person eligible to receive the funds that the Federal Government matches for. The balance then could then be paid by the medical fund under the terms of this bill. That is why that provision is contained in the language of the first paragraph of the redraft of the bill. I hope that explains the question that has been posed because I think it illustrates exactly the purposes, the two tangle approach, the two thorn approach, so to speak, of the legislation.

Mr. Farley of Biddeford was granted permission to speak a fourth time.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: One final question for the gentleman from Eagle Lake. I would like to ask; does the Federal money generated or realized through the seed money include the people other than those that are on Mrs. Morin's amendment? Does this expand the number of people or the area of people that were covered?

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin, who may answer the question if he wishes.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question. Under the amendment that has been proposed that amount of money would not be eligible for matching purposes, and there would be no Federal funds.

Now, let me answer what I think the gentleman is posing. Once you have the \$2.6, or whatever it is, to generate with the Federal Funds, somewhere around \$6.8 million; are you going to be handling catastrophic cases with that money? The answer is, yes. I think you can see very easily that you can not handle as many cases under this amendment, House Amendment "A" as you can under the original bill.

How much money per se of, let's say, the total amount that is to be generated and that you will have, let's assume to be \$7 million, for an easy round figure, roughly what amount will go to what you and I consider catastrophic illnesses not being served now? The answer to that is, all of it. The reason that there is a difference and the reason that I used the difference to explain it is this; what the Department can do is to take the person who is on very low income, but not relief in any manner, shape, or form, and is making roughly \$500 a month, total income, and has insurance and has major medical; that person, under the federal law, can be counted as medically needy — whatever the actual title is — and under a formula devised under this bill, the person becomes eligible. It does not make him an AFDC, Aid to the Disabled, or any other case. He is a person who is presently going without assistance and without any help. This bill would help the marginal people and would help those people who have major incomes, if they spend enough money, to get assistance under the program.

I apologize to the members of the House. If they don't understand me and my explanations, I can assure you it isn't because I don't know the answers, simply because it is such a confusing thing to try to explain the unreal, unraveling, that is necessary in order to try to get to the heart of the welfare

problem that we have, in part, created by legislation from the Federal Government. For those of you who serve on some of those committees, just remember what SSI is going to do to all of us.

The SPEAKER: Is there objection to all matters having been acted upon previously today being sent forthwith to the Senate? Hearing no objections, it is so ordered.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think that anyone would have had to be inattentive by the very method that the gentleman from Eagle Lake so eloquently placed the problem before us. In his remarks he put his finger on one extremely important point, SSI. SSI is so bad, that the Federal Government is going to have to do something about it.

The gentleman from Kennebunk, Mr. McMahon, put his finger on a very important point. The word individuals. If the individual that the gentleman from Standish, Mr. Simpson, is talking about and Mr. Martin is talking about could be differentiated over the individual that might be on welfare. The individual that might be on welfare will very easily be taken care of. The fact of the matter is this, I could bring tomorrow, a list of names of people, that have talked to me personally, whose bills after insurances have been paid, range anywhere from ten to eighty thousand dollars. They are on the verge of losing their homes, their cars, everything they have worked all of their lives for. Are they to be punished because of the failure of the passage of the Morin Amendment?

By the same token, if we pass the bill itself in its original form, we would also have to have a United States Mint.

In my humble opinion, I have two objections. The first objection, of course, is the tax. Not so much that, as it would be that in two and a half to three weeks, in my opinion, this money would be eaten up and we would have to come back here and do something or some sort of programs would be done. This should not be debated here in the waning moments of the Special Session. This should be debated before a committee of

the Congress. The Congress should be taking this up as a national health program. If this is what has to be done, and you pass this program here, you've got to get yourself a corner of the United States Mint.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think I have a question, even though I seldom do. But a lot of my constituents have Blue Cross or some other method of insurance. It would appear to me that if we passed this bill, there would be no need for my constituents to any longer carry Blue Cross or any other kind of insurance. Is this a matter of fact?

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Enfield, Mr. Dudley, we did cover this in the debate in previous days. But, of course, that is a matter of choice about the individual. But if he doesn't want that high first dollar costs of medical expense, then he is going to have to continue to purchase his Blue Cross or whatever type of group insurance or individual insurance he now has. Otherwise, he will be spending thousands of dollars of his own money for the first dollar cost. Remember this is only going to come in on top.

Ladies and Gentlemen, I apologize for being off the floor for a few minutes and I may have missed something, so I hope I don't duplicate answers that may have been given before. Honestly, I have yet to see anyone, and I have talked with several members of both bodies here, who didn't have difficulty understanding this in the first instance, who did have difficulty, but who, after they did have an opportunity to talk with knowledgeable people, and in most cases that would have been the Commissioner, that they did understand the matter and they were in favor of it. It really isn't as complicated as you would like to think.

Basically, if you go over this amendment, which I have in my hand, and the one I presume we are still debating, Mrs. Morin's amendment, that

what you are saying is that you want to kiss four million dollars of Federal money good-bye. The same people are going to be treated under Mrs. Morin's amendment as they are under the full bill, except there won't be so many of them because you won't have as much money to go around. It is just a matter if you want to use money that is available under the present statutes or you don't. Certainly this could be administered. But it means if you pass this amendment, that you are telling the Commission that the legislature does not want the medically indigent, and that is the term which is in the Federal statutes, and unfortunately it has a bad connotation here, it includes people all the way up and down the economic scale, because medical indigency is determined by formula. It depends on how many children in the family, what the family income is, and finally, how big the bills get. And if they are big enough, even some of the most highly paid people are going to become medically indigent and would be eligible under this bill. What you are doing, if you pass this amendment, is just saying good-bye to four million dollars of money that is available and has been utilized to take advantage of the maximum for the people of the State of Maine. It seems like awfully poor business to me.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Farmington, Mr. Morton, explained the simplicity of this situation. I would defy anybody to tell me that this thing is not as clear as mud to the majority of the people. I mean, if I'm wrong, then I have never been right. I will tell you this, in further answer to the gentleman from Enfield, Mr. Dudley, for instance, that Blue Cross is for this because this is a money-maker for them. This is why they are for this. You may guess, under the Morin Amendment, four million dollars of Federal money, I may agree with that. But I guarantee you that if you pass the bill, itself, then you are embracing anywhere between thirty and I don't know how many millions of dollars that

could go up to two hundred million dollars. If any thing in the world ever deserved to be studied and not before this group here now, it is this situation here. This thing, as far as I'm concerned, and I have studied it, I have talked with Dr. Fisher, I have talked with Senator Kennedy about it. I have talked to Congressman Mills about it. I have talked to Senator Muskie about it, I have talked to several people about this thing in the agencies in H.E.W. in Washington about it. This thing to me, is just as clear as mud. What about you?

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: It is hard for me to sit here and not go along with the Minority Floor Leader, when he says that there is four million dollars of federal funds available. If you so desire to have some type of health insurance program in the State of Maine through this bill.

I, therefore, would ask you to vote against the Morin Amendment.

Are we talking about people or services? I think one thing has to be understood; that four million dollars is going to reach more cases. And some of these cases can be in say, the ten, fifteen thousand dollar bracket. If we put this money entirely into catastrophic illnesses, then it might reach many less cases and take care of them. My opinion is, with four million dollars at stake of Federal money, I would much rather see this program reach more people in need of health insurance such as the medical indigent. This is a problem in Maine; it is going to be a future problem in Maine, and this, at least, is a start to solve that problem.

Therefore, I would ask you to vote against the Morin Amendment and concede or go along with the Minority Floor Leader, who has worked very hard to explain a very difficult problem, which I think Representative Morton and myself, and he has research and information, too.

Mrs. McCormick of Union presented the following Order and moved its passage:

ORDERED, that Neil Rolde of York be

excused for the duration of his illness.

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

Mr. Farley of Biddeford was granted permission to speak a fifth time.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: Under the present bill, not Mrs. Morin's amendment, but the bill, you are not going to reach the middle-class or rather the low income people, who may be receiving town benefits already, town welfare, plus. You are going to expand the Health and Welfare budget by four million dollars. And you are going to expect to fund again in two more years from now, whether we have a national health fund or not.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: In the regular session I worked on this bill quite a bit and I feel I am capable to talk a while, a little bit here. And I really feel that the gentleman from Biddeford is wrong in his assessment of this bill. And I think that Mr. Morton has explained it very clearly. Under the bill as is written, the Committee Amendment, or Document No. 2535, the State will have, the Department of Health and Welfare, is going to have nearly seven million dollars to spend for catastrophic illness aid to people who are not now receiving any type of aid at all, as I understand this.

If we accept Mrs. Morin's amendment, the State is going to have 2.8 million dollars to spend. I think it is as simple as that. I think if you sit down and really read through the bill very carefully you will be able to understand it.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: When this bill first came before us, I thought it should be referred to the next legislature because it is so highly confusing. I don't believe that too many in this House understand exactly what they are voting on. If we can be persuaded by the arguments on the floor and say, "Well, I

will vote for it." This is a very complicated bill.

I would just ask you this question, for instance. This argument has been going on; who is going to establish priorities? Here I am a cripple; I have been a cripple for many years, I will say, and I am paying my doctors bills off; but I haven't got them all paid yet. And, yet, it is putting an awful crunch on me. I haven't paid my bills yet, so I will come under it. There is no specifics about that. Who is going to decide who is first in the priorities? The only thing is that you must have a bill that you haven't paid. If you paid your bills, they will not reimburse you for the bills you have paid. They will pay the vendors of these medical services, that have been rendered in the past, who may have bills hanging out. How many doctors, under that, would immediately come in and make a request for bills that haven't been paid? I would like to get some more information on that.

I don't want to take up any more time, but I do think that I would like to see actuaries; I would like to get more specifics on the backlog of all these illnesses that are going to come in for money from this bill; and what priorities are there? Current illnesses? Back illnesses? Or what? It depends upon what bills have not been paid, in this writing.

Mr. Morton from Farmington was granted permission to speak a third time.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer the question that was implied by the gentleman from Portland, Mr. Cottrell.

The bill certainly states that any bills incurred prior to the inception of this will not be payable. It has to be something in the future after the bill becomes on board. So, no doctor could put in a bill for work he did a year ago or six months ago or anything like that.

I am glad, that the gentleman from Lewiston, agrees with me that we will lose four million dollars if this amendment is passed. And he did seem to indicate that when he made his remarks. He has, again, brought in that two hundred million dollar red herring. This red herring is a real stinker, even

when you think of those stogies we talked about this morning, because it does not pertain to this bill, it has nothing to do with it. This bill does not cover first dollar coverages. We are not talking about that. This comes in only when all other measures, such as Blue Cross, as the gentleman mentioned, have been used up. We are talking about the top of the pile and not the bottom of the pile. I hope you will take care of this amendment and go along with the regular bill.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I have a great deal of confidence in Representative Morton, but if he can show me any language here in this bill which places limitations on illnesses or dates, I will have to accept his advice or interpretation. My own limited eyesight makes me think that it is entirely open ended.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that House Amendment "C" be indefinitely postponed. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 13 having voted in the negative, the motion did prevail.

Mr. Carter of Winslow offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-763) was read by the Clerk.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is simply designed to sort of put the brakes on the bill. What it is designed to do, really, is to not make it necessary for people to remain in the hospital when it is not needed and occupy a bed that is vitally needed by somebody else, but allow them to go into a skilled nursing home which is much more economical than in a hospital.

Thereupon House Amendment "D" was adopted.

Mr. Donaghy from Lubec moved for indefinite postponement of this bill. (H. P. 1991) (L. D. 2535) and all accompanying papers.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: It has been said that this bill needs more study, this is true. It has been said that actuaries should be consulted on this, this is true. It has been said that people will be giving up their Blue Cross and Blue Shield, this is true.

It goes far beyond this, there are citizens of the State of Maine who are covered under catastrophic illness insurance on which they are paying a premium, to wit; the federal civil service employees and the Maine State employees. As I understand it, the Federal Civil Service employees have a choice between Blue Cross-Blue Shield and Aetna Life and Casualty. I am not trying to toot anyone's horn or sell anything to anyone or sell anything for anyone, but I think these are the two outfits that cover the catastrophic illness for the Federal Government employees under Civil Service.

Secondly, our State, I believe this is covered by Union Mutual. You have an opportunity to have it and probably most of you have it. If this bill goes through with no more definitions than is in it at the present time you would be crazy to continue your catastrophic illness under Union Mutual, in my opinion. Because this says that the State of Maine, along with the Great White Father in Washington, is going to pick up all your bills over a certain amount. Now, this isn't true of wealthy people, but there aren't very many wealthy people here.

I just think that we have a terrible mess on our hands and I would hope this, I know this has merit. But the Federal Government is working on it. But if we want to study it between now and the 107th this will be fine. But this is a special session and no time to go into anything as complicated as this.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the amendment that the House just adopted seems now to put the State

in the health insurance business and further distorts the intent of the original bill. Obviously, we didn't impress too many people by our arguments considering the vote a few moments ago.

I managed to get hold of a copy of the letter that, I think, the letter that the gentleman from Eagle Lake was talking about, because it happens that my seatmate has one. The fact that his name is one of three names that appear on the letter and he was very gracious and allowed me to look at it. There are two reactions I have to the letter. And, number one; there is no guarantee stated in that letter, that I can see, of the use of the total \$7 million for the purpose of catastrophic illness. And second; according to the two examples given, one of which Mr. Martin read from when he read from the letter, the spread of funds available indicates that they will not be distributed evenly between those with low incomes and those with high medical bills; but, in fact, they will go to the former group almost exclusively.

I agree with the gentleman that we should indefinitely postpone this bill. And I also agree with the gentleman Mr. Jalbert and several others who indicated that this should be studied further before we attempt something.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I want to request the yeas and nays on the motion. Secondly, I ask the House not to indefinitely postpone it. There certainly was a lot of work put into this bill. The gentlelady from Old Orchard Beach had it the last session of the legislature. There was considerable discussion then. We have had a continual go around here this afternoon, yesterday and last week on this particular item. I should think we would be remiss if we move for indefinite postponement, and I ask the House to vote against the motion.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would support the motion for indefinite postponement because I think

Mr. Donaghy has outlined many of the same reasons, in fact, most of the same reasons I would have had, had I got on my feet before he did.

Going back to this amendment that we just adopted. We adopted it, of course, rather fast. In my mind I would like to find out what a skilled nursing home is and where are any skilled nursing homes located in the state and how many. I would pose that question through the Chair to Mr. Carter.

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: It seems to be my luck that at the time a question is posed someone is out of their chair.

Let me respond to the questions, as I have been involved with the amendment. One of the concerns that was expressed by the gentleman from Winslow the other day had been the fact that we, obviously could save a great deal of money if the person, when the period of illness was terminated, could, in fact, be covered by nursing care provided under the terms of this bill. In talking with the Federal people it was found that the way that the bill was drafted it could not provide for that. Since we all agree that after a period of days, if the person was going to be covered in a hospital, and was cheaper to then place that person in a skilled nursing home, we would be much better off to put it in that area. And that is why this amendment is on there.

I think it is important to note that this would help the situation rather than hurt it, it would be much more helpful and will save the State of Maine money in the long run. That is why the amendment was inserted.

I must admit though, now that I am on my feet, I guess the figure which is most interesting The second question that was posed by the gentleman was the number of skilled nursing homes and beds, etc. in the State. There are in this State roughly 939 extended care beds that would qualify under this provision, and there are 1,205 skilled nursing beds that would qualify under the amendment

that is provided by the gentleman from Winslow, Mr. Carter. I would thank the gentlelady from Bath, Mrs. Goodwin, for being so quick to provide me the necessary figures from Steps for Maine Elderly, and it is contained in there if you want to see the number of beds that are available. So those beds would qualify and a person then could be transferred from the hospital to the skilled nursing bed for a period of time to save the state some money. And obviously this determination would be made by the doctor in question.

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

Mr. DYAR: Mr. Speaker and Members of the House: If I may, I believe I would like to have you concur with the motion presently on the floor of the House. We have gutted this bill. The \$2.8 million is now on the present bill, if enacted, will go on the general welfare account and will be used for welfare recipients. I don't believe anybody can show this body that the Federal government will match with federal money any state program that is aimed at a person who is working, has a pay check, and is above the economic guidelines.

The gentleman from Lubec, Mr. Donaghy, if he would care to write a policy, I have a young lady who has had three kidney transplants, received notice last week from her insurer that she had used up her lifetime benefits from that company.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I don't know that I could write it on an individual basis. But if the young lady is able to be employed in any industry here there is no reason she couldn't come under the group plan.

Anyone that is receiving medication for a certain number of days, on the smaller groups, I think it is usually 90 days, can be covered. Larger groups even that is —. This is neither here nor there, although it does point out something.

I would ask you members of this house whether or not you want to put the State

in the insurance business. If you do, this is the way to do it, except that before you go into it, I think you better find out what you are getting into and have some definitions of the policy that you are going to write on these people that have kidney transplants and so forth.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to get up this afternoon, but I have enjoyed watching this bill. I think it is a bill that the people need. But, of course, like everything that does something for the people it cuts into private interests. You have to put a tax on cigarettes, and the cigarette people are against it. And, of course, you are going to cut into the insurance industry and naturally that is sacrosanct, and it certainly shouldn't bother the insurance industry.

It has gone along and everyone has put amendments on and the amendment route has been tried to kill it. It has been a very professional job. I have enjoyed and appreciated watching it. And the amendment route has been tried, and now we finally come down with the motion from the gentleman from Lubec, Mr. Donaghy, with what all of the amendments and everything have been attempting to do; to kill the bill. And he finally has made the motion to indefinitely postpone. I hope you vote against it. I hope you vote against this motion, I think the people in this state deserve better treatment than that from this legislature.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "D" really concerns me more than the bill itself. I am not in favor of the bill. But I am not in favor of what we just did in adopting the amendment.

The gentleman that filed the amendment is not in his seat, so it is too bad that he couldn't answer the questions. But I do have — maybe Mr. Martin, in the far corner will come up with the answer when I get done.

I think Mr. Martin said that there were 939 extended care beds that could be used in the State of Maine. I didn't ask

that. The question I posed was, number one; what is a skilled nursing home? And the other thing that I did not ask for, but I ask now is; after they have spent their 60 days in the skilled nursing home in any one year, on the 60th day what happens to these people; where do they go; and where do we put them? Because they have used up their time; because they have a maximum of 60 days in this extended or limited convalescent home?

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First in response to the first question of what is a skilled nursing home. And I indicated that there were roughly 1,200 beds in this State. A skilled nursing home is one that is classified such by the Department of HEW in Washington, upon terms and regulations that is set up by them. Basically, what it means is that in order to qualify as a skilled nursing home you have to meet the requirements, such as one nurse for every 40 patients or one nurse for every 20 during the day time, etc. And all of these requirements must first be complied with.

The second portion of that question, and I am not sure I even ought to pursue, but it is simply to indicate that once the 60 days has gone by, and let's assume the person is not medically indigent, then his own or her own private funds will have to assume the cost to pay for the extended care beyond that time.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House indefinitely postpone this Bill "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expenses" House Paper 1991, L.D. 2535, and all accompanying papers. All in

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

ROLL CALL

YEA — Ault, Baker, Birt, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Cressey, Dam, Davis, Deshaies, Donaghy, Dudley, Evans, Farley, Farrington, Faucher, Ferris, Hamblen, Hunter, Jackson, Jalbert, Kauffman, Kelley, R. P.; Knight, Lawry, Lewis, E.; Lynch, MacLeod, Maddox, McMahon, McNally, Merrill, Morin, L.; Palmer, Pratt, Rollins, Shaw, Sproul, Strout, Trumbull, Wheeler, Willard, The Speaker.

NAY — Albert, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Briggs, Bustin, Chonko, Clark, Conley, Connolly, Cottrell, Curran, Curtis, T. S., Jr.; Drigotas, Dunleavy, Dyar, Emery, D. F.; Farnham, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Herrick, Hobbins, Huber, Immonen, Kelleher, Kelley, Keyte, Kilroy, LaCharite, Lewis, J.; Littlefield, Mahany, Martin, Maxwell, McHenry, McKernan, McTeague, Morton, Mulkern, Murchison, Murray, Norris, O'Brien, Perkins, Pontbriand, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Stillings, Susi, Talbot, Theriault, Tierney, Trask, Twitchell, Tyndale, Walker, White, Whitzell.

ABSENT — Berry, G. W.; Brown, Carter, Churchill, Cooney, Cote, Crommett, Dow, Dunn, Fecteau, Gauthier, Good, Hancock, Haskell, Hoffses, Jacques, LaPointe, LeBlanc, McCormick, Mills, Morin, V.; Najarian, Parks, Peterson, Ricker, Rolde, Ross, Santoro, Sheltra, Shute, Smith, S.; Tanguay, Webber, Wood, M. E.

Yes, 47; No, 70; Absent, 34.

The SPEAKER: Forty-seven having voted in the affirmative and seventy in the negative, with thirty-four being absent, the motion does not prevail.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: How many voted on this bill, total? I didn't catch it. What was it? 70 to 47.

The SPEAKER: The pending motion is passage to be engrossed as amended in non-concurrence.

Mr. COTTRELL: Mr. Speaker: That is 117 votes out of 151. I am speaking now as a teacher and a coach. I think we have had a long practice session today. The first time we have had two sessions as lengthy as they are. And this is a very important bill. I voted against indefinite postponement. But from the teaching angle I would like to have someone table this for a couple of days. And before we go home this week, well, maybe there is just not enough time, but I would like to have Mr. Martin, this is his bill, I would like him to reduce it in a orderly way, the important parts, so that you could take it home over the weekend and become thoroughly familiar with it, the ins and outs of it, in a simplified form. And then come back next week and have 151 here when we are not so tired and give it a good fair chance.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I quite agree with the gentleman from Portland in terms of timing on this thing. Let me put it this way, as you know, the other body is not in session this afternoon. It will be going to them tomorrow. We then will be, as I understand it, not in session tomorrow afternoon, so it won't be available for us. Even if it were, the bill has got to be engrossed. It will be in front of us if everything — let's assume the Senate would recede and concur with us tomorrow morning. It would come back in on Monday or Tuesday as an enactor so in fact we will have over the weekend and I will take the remarks that the gentleman has made and try to prepare something for all of us.

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

(Off Record Remarks)

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

Mr. AULT: Mr. Speaker and Members of the House: I would ask if the House is in possession of L.D. 2555?

The SPEAKER: The Chair would answer in the affirmative, the House is

in possession of L. D. 2555 "An Act Allowing Incorporated Civic Organizations to Apply For a Liquor License for one Event Per Year," which yesterday failed final enactment.

The Chair recognizes the same gentleman.

Mr. AULT: Mr. Speaker, I would move that we reconsider our action whereby yesterday, because of the remarks of my colleague from Standish, Mr. Simpson, this bill failed of enactment.

The SPEAKER: The gentleman from Wayne, Mr. Ault, having voted on the prevailing side, moves that the House reconsider its action of yesterday whereby this Bill failed of passage to be

enacted. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

On motion of Mr. Ault of Wayne, tabled pending passage to be enacted and specially assigned for Monday, March 18.

(Off Record Remarks)

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