

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

Monday March 25, 1974

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

Prayer by the Rev. Russell M. Chase of Monmouth.

The members stood at attention during the singing of the National Anthem by the Paulson Group of Guilford.

The journal of the previous session was read and approved.

Orders Out of Order

Mrs. White of Guilford presented the following Order and moved its passage:

ORDERED, that Stefanie, Joseph, Christine, Katherine, Thomas and Margaret Poulson of Greenville be appointed Honorary Pages for today.

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

Mr. Kelleher of Bangor presented the following Order and moved its passage:

ORDERED: that John A. Stewart of Cumberland be appointed Honorary Page for today.

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

Mrs. White of Guilford, presented the following Order and moved its passage:

ORDERED, that Shireen Shahawy of Brooklyn Heights, New York, be appointed Honorary Page for today.

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

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 950)

WHEREAS, the Legislature believes that it is essential to responsibly control expenditure of tax revenues; and

WHEREAS, it further believes that operation of Aid to Families with Dependent Children must be fair and equitable to individual taxpayers as well as recipients of Aid to Families with Dependent Children; and

WHEREAS, such aid should be provided only to people who truly need income supplementation; and

WHEREAS: the population of Maine is

not expanding and the economy of the State is expanding at a reasonable, but low rate of growth; and

WHEREAS, nationally the number of families receiving aid is increasing at a lower rate; and

WHEREAS, in Maine the number of families receiving aid continues to increase 10% each year; now therefore be it

ORDERED, the House concurring, that the Legislative Council shall authorize a study, and present its findings and recommendations to the regular session of the 107th Legislature relating to the budget standard, payment standard, disregarded income, federal and state laws, regulations and administrative practices and other factors affecting payments to families and resulting in expenditure of substantial amounts of state and federal tax dollars; and be it further

ORDERED, that the Department of Health and Welfare is respectfully directed to cooperate with the Legislative Council and to provide such technical and other assistance as the Council deems necessary to carry out the purposes of this order, including, but not limited to, personnel and staff as part of their regular employment, and the study of any subject or matter relevant or germane to the subject or helpful to the Council in carrying out this order, shall be deemed within the scope of said study hereunder; and be it further

ORDERED, upon final passage that a copy of this order be transmitted forthwith to the Department of Health and Welfare as notice of this directive.

Comes from the Senate read and passed.

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

Reports of Committees Ought to Pass

Committee on Veterans and Retirement on Bill, "An Act Relating to Review, Reports and Proposed Amendments of the Maine State Retirement System" (S. P. 944) (L. D. 2590) reporting pursuant to Legislative Council Order dated December 19, 1973 issued under authority of 3 M.R.S.A.

Section 162, that the same "Ought to pass"

Comes from the Senate with the Report read and accepted and the Bill Passed to be engrossed as amended by Senate Amendment "A" (S-421)

In the House, the Report was read and accepted in concurrence and the Bill read once. Senate Amendment "A" (S-421) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading later in today's session.

Ought to Pass in New Draft

Committee on Appropriations and Financial Affairs on Bill "An Act Making Supplemental Appropriations from the General Fund and Allocating Money from the Federal Revenue Sharing Fund for the Fiscal Year Ending June 30, 1975" (S. P. 807) (L. D. 2290) reporting "Ought to pass" in New Draft (S. P. 951) (L. D. 2602) under new title "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1975, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government"

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

In the House, the Report was read and accepted in concurrence, the Bill read once and assigned for second reading later in today's session.

Divided Report

Report "A" of Committee on Public Lands on Bill "An Act to Organize the Mainland Unorganized and Deorganized Territories of the State into Grand Plantations" (S. P. 920) (L. D. 2545) reporting pursuant to Joint Order (H. P. 84) that it "Ought to pass" as amended by Committee Amendment "A" (S-420)

Report was signed by the following members:

Messrs. RICHARDSON of Cumberland
CLIFFORD of Androscoggin
— of the Senate

Messrs. BRIGGS of Caribou
ROLDE of York
MARTIN of Eagle Lake
— of the House

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

Report was signed by the following members:

Mr. MacLEOD of Penobscot
— of the Senate
Messrs. SIMPSON of Standish
LYNCH of Livermore Falls
ROLLINS of Dixfield
PALMER of Nobleboro
— of the House

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

In the House: Reports were read.

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

Mr. SIMPSON: Mr. Speaker, I move the acceptance of Report B, "Ought not to pass."

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the House accept Report B, "Ought not to pass" in concurrence.

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

Mr. BRIGGS: Mr. Speaker, I move this lie on the table for one legislative day, pending the acceptance of any report.

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

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Briggs, that this matter be tabled pending the motion of Mr. Simpson of Standish to accept Report B in concurrence and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 56 having voted in the negative, the motion did not prevail.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I trust you didn't feel you were going to get by with this as easily as all that.

Some years ago I came down here to the Maine Legislature with the then quaint notion that this State's industrial corporations had no right to the unregulated use of our public waters as an industrial swill pail. This idea seems to me to have become quite widely

accepted today, although I realize we still have a ways to go.

Last year I returned to the legislature with the notion that although long unchallenged because of the powerful interests involved, the cutting rights on the public lots belong to this state and not to the giant landowners who acquired the rights to cut the timber and grass for mere pennies in the 1850's. Both of these seemingly illogical propositions were strongly supported editorially by the news media and seemed to me to be endorsed also by substantial numbers of the citizens of our State.

Everyone is aware, of course, that powerful private interests oppose these proposals very strenuously. All cutting rights on the timber and grass deeds hold and state clearly that the rights are to be terminated upon the organization of these unorganized towns. The companies have done everything within their power to see to it that the towns would not become organized. They have done that by way of releases that were granted by writing into the leases that no permanent structures would be allowed.

I have a friend who has recently received a lease from one of the companies which states, typed on the bottom of the lease, "when any more than six persons occupy the property covered by the lease, the lease will be null and void. L. D. 2545, the document in question, seeks to organize these towns into eight Grand Plantations with a council-manager form of government structure with specific limited powers.

We must embrace candidly, I think, whether or not this proposed organization will in fact terminate the cutting rights. Although it is obvious the organizational plan presented will be at once taken into court following its passage by the legislature, there seems little doubt that the court would find this plan for organization to be a bonafide plan for beneficial organization and thus terminate the cutting rights in the unorganized territories on the public lots. Because this result must most certainly be settled by the court, some have hesitated to state that the cutting rights would be terminated as a result of the passage of the legislative act. I prefer to state emphatically that it is my opinion

that the answer would be affirmative and that the cutting rights would be terminated.

I recall Abraham Lincoln's question, "If a dog has four legs and a tail and you call the tail a leg, how many legs does the dog have?" And Lincoln's answer was, "Four, because no matter what you do with the tail, you cannot make it into a leg." Some would like you to believe that no matter what you do with the organization, it is a sham and not of unquestionable benefit to the unorganized towns. Several thousand citizens there, I believe, would benefit from this type of organization. I believe such criticism that it is a sham is unjust, because we are already taking the requirements of state governmental regulations into these areas, and I am sure that the citizens in these areas would in almost all cases be better equipped to deal with the requirements under the organizational plan as proposed.

The plan has been widely examined and endorsed by competent municipal agencies and attorneys, and if it is a sham, as so nosily declared, you need not harbor the slightest doubt the courts will deal it a hasty demise. The fact is, it is not a sham at all, but instead, it is a very carefully designed plan to give a measure of atonomy in self government to these citizens who currently have no control whatsoever over their personal affairs in their relationships with the agencies of this State.

The power and influence of the paper curtain hangs heavy over this State, as it always has, and they are not going to surrender 325,000 acres of cutting rights on the public lots without a bitter struggle. This involves between thirty and fifty million dollars worth of the people's timber in question. So you will understand the stakes are very high indeed.

Let the present court case decide the outcome, the opponents confidently urge! This is because they are quite certain that the odds are heavily weighted in their favor in that legalistic crap game. When a company lawyer was asked at the last hearing which he felt had the best prospect of terminating the cutting rights, the court case in

question now pending or the Grand Plantation plan in the bill under discussion, he candidly stated he would have to admit the latter or the bill had the best prospects of getting back these rights for our people.

Make no mistake, these cutting rights will be returned to the people, but not before a great many, well meaning persons have placed every obstacle they can think of in its path, thus aiding the large land landowners and the paper company patsies in thwarting justice.

Speaking for myself, I shall defend the companies gladly when they are deserving, just as I have done in many instances before, such as in the case of the needless road starting nowhere and ending nowhere from Ashland to Daaquam. But I shall not rest until these valuable timber cutting rights on the public lots are returned to those I believe to be the rightful owners, the citizens of this great State of Maine.

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

Mr. DYAR: Mr. Speaker and Members of the House: I hope this morning you will go along with Report B on the Public Lands bill. I am glad the gentleman from Caribou, Mr. Briggs, has used the term "sham" several times during his dissertation here this morning. As the sponsor of five pieces of legislation in the regular session pertaining to the public lots, I was very concerned when the proponents of this bill referred to my bill as being a sham. I think the Maine Times of June of last year referred to a quote from one member as this bill being a sham, taking away the timber and grass cutting rights without making due restitution. Yet, these same people in the special session are using the same route and using sham in a different meaning.

I think the concept of the Grand Plantation is what bothers me the most, this new concept of government which in my mind will be unworkable. I think we have unorganized townships in eight or nine counties here in the State of Maine, and the county government could very well function as the area of government to handle the affairs of the unorganized townships. Yet, we are talking about a Grand Plantation with Grand Plantation

officers, including assessors, a Grand Plantation manager, perhaps.

It seems sort of foolish, in my mind, to have assessors who might live in excess of 200 land miles from each other to get together for a grand plantation meeting. I feel the 5,600 plus people in the unorganized townships in the State of Maine would have no say whatsoever in what transpired in the new grand plantation. So, therefore, I hope until we can come up with something that will solve the problem that we will lay this matter at rest, and hopefully before the 107th come up with some workable solution to the problem that can get the public lots back in the hands of the State of Maine.

The SPEAKER: The Chair requests the Sergeant-at-Arms to escort to the rostrum the gentleman from Bangor, Mr. Kelleher, for the purpose of presiding as Speaker pro tem.

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: You will note that my name appears on the Report A "Ought to pass" report, and I would like to explain the reasons why I signed it that way.

I don't think that there is a single bill that appears before this session that I gave anymore thought to than this one. I must admit, in the last week I had serious doubts as to whether or not I would even sign the "Ought to pass" report.

I would like to explain why. Basically, this bill attempts to take the grass and timber rights that the State sold at public auction or otherwise by the land agent prior to 1900. The bill does it by attempting to set up a structure called grand plantations. A governmental structure that supposedly would terminate the grass and timber rights.

I am a proponent of the grass and timber rights being returned to the State of Maine, but I am and have been concerned for sometime, for sometime,

about the governmental structure.

I won't call it a sham because I don't think that is a good definition. But it does create a third monster for the people in the unorganized. The people in the unorganized have had to deal with the State of Maine, and they have had to deal with county commissioners all at arms length. Now, the structure of this bill calls for additional layer of government being imposed upon them.

In the hearing that we held in Caribou, we heard from the unorganized people from both Sinclair and Connor, both of these areas being unorganized, there was a great deal of apprehension about the set-up of a governmental structure imposed upon them by Augusta. These people kept saying; why do this to us? Can't we decide our own course of events? Finally, I ended up having a long discussion with some of the people in Connor about how they could take care of their schools by becoming organized as a town.

If, for one moment, I thought that the governmental structure would have been perfect under this bill, or at least workable, there would have been no question about how I would have voted and would have been along that route all along.

When it was all over, I finally voted for the bill, based on the second premise, that is the grass and timber rights. I did so basically because I thought the grass and timber rights belonged to the people of Maine. I suspect that we are not going to do anything this special session about the passage of this bill. But as we move along from this special session to the regular, I think Maine people are going to expect, and I think they are going to get, some return from what can happen. If nothing takes place; if, for example, we do not get what we think is ours and we see no way to handle it any other way, the regular session of the 107th Legislature will have to deal with public lots again.

I do not believe as some people do that public lots are dead if we don't pass it this time. I do strongly believe that it will remain an issue in this State as long as grass and timber rights remain there where they are at the present time.

When the time comes for that issue to

be decided Maine people are going to continue to insist that we do something. I think, if nothing else, the Portland Press Herald articles have brought the issue to the forefront of Maine politics. I do, of course, and I have expressed, in the past, some concern about this being a political issue. Because I do not believe this is the type of thing that I want to see made political since it is by far to important. When you are talking about 400,000 acres of land that belongs to Maine people, then I think we have to be careful about dragging it across the mud path of Maine politics.

I think that it is important that we keep this in mind as we go along this campaign from now until November. If whomever the next Governor might be, and whomever the members of the legislature will be, Maine people are going to keep that in mind.

I did want to emphasize the point that I voted on the positive side of the passage because of the grass and timber rights. But as far as the governmental structure is concerned I give that a big fat zero.

The SPEAKER pro tem: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support Report B "Ought not to pass". At the very outset I want to make one point very clear. Those of us who signed the "Ought not to pass" Report in no way have a less interest in Maine getting back the grass and timber rights than those who passed Report A.

We believe, however, that there is a difference in procedures, and so for this reason I rise this morning to support Report B and want to speak to that motion.

First off, I want to say that this bill addresses itself to two points, and if it fails to meet either of those two or both of those two it should not pass. One is the point of the State getting back the grass and timber rights; the second is creating a measure of local government for those people in the unorganized territories of the State.

Now, there are many misconceptions and complexities about this problem of cutting rights and I want to deal with them for just a moment.

If you read the papers and you listen to much of the testimony, you get the idea that these grass and timber rights were sold back in the 1850's for pennies an acre to the big pulp and paper companies of this State. That is mistake number one. They were not sold for pennies an acre to the pulp and paper industries of this State. They were sold to individuals for what at that time was a going price for grass and timber rights. Many times since then they have been sold and resold. Many times since then families which still own those rights have inherited them and they have paid an inheritance tax. The problem is not quite so simple as to say that all the grass and timber rights in the State of Maine today are owned by a group of people who have owned them since 1851 and bought them for five ten and fifteen cents an acre; this is just not fact.

Today there are many average citizens in this State who own pieces of the grass and timber rights now in organized territories. The problem is complex. For example, before our committee, the last hearing we had, one gentleman by the name of Davenport came before the committee and said I bought some grass and timber rights in 1968. Forty-one acres of grass and timber rights for \$29,000. He said, "I am here today to ask you if this bill passes, do I lose my \$29,000 that I bought with the blessings and approval of the Forestry Commissioner of this State."

Moreover, we had testimony from other companies, one in particular I can remember, when they had said they had bought their first grass and timber rights in 1943, and they bought their last one in 1973. So that is not ancient history to them. They paid good prices for this land between '43 and '73 with the approval of this State of Maine.

The grass and timber rights is not a simple problem, it is a complex problem. And like the cancer there is no one cure. There are many, many cures. There are many, many answers. I think that is what those of us who are dealing in Report B are seeking to do.

Now, putting that before you, bear in mind also that the pulp and paper industry which comes in for some criticism and probably justifiably at times and unjustifiably at times, does

not own all rights. As a matter of fact, they own today less than fifty percent of the cutting rights in this State. The others are owned by people just like I have mentioned to you. And families of longstanding have owned this land or the cutting rights, rather, back since 1850 or 1851 or in the 1850's.

So, the problem is complex. The problem is one we should consider. And truthfully, one stroke of the pen of the Speaker of the House, the President of the Senate, the Governor of this State is not the way to solve this problem and be fair to all of these in this state who own grass and timber rights on this land.

Secondly, this bill if it is to be successful, has to grant some measure of self-government to the people of the unorganized territories.

I want to tell you this morning that I have been on this committee and I have traveled to every one of the public hearings that were held before this legislature, this special session, convened, every one of them. And we talked to people throughout the State of Maine about cutting rights; we talked about public lots. And the thing the overriding thing, which came up over and over again was the forestry practices. That is what these people were concerned about. And we were there taking testimonies so that we could come back and draw up a good forest practices act so these lands would be cared for, would be better cared for, would be more productive in the future for the people of the State of Maine. So after all of these hearings, which concerned themselves entirely with forest practices; and I tell you now, in all honesty, not one person from the unorganized territory of this State ever came before our committee and said we want a new kind of government. We want to be organized, not one person said it. And then we come back to Augusta and suddenly before us we have the eight grand plantations bill.

This bill was conceived in Augusta by bureaucrats. It is a good bill, mechanically; but it does not serve the needs of the people in the unorganized territories of the State of Maine.

Eight grand plantations throughout this State; eight grand plantations to

govern less than 6,000 people. Each grand plantation to have a council and a manager. There was a dog catcher in there once, and I am not sure whether he is in there now, but I do recall that one of the people that testified against the bill did say that if I were in my grand plantation and I went to the manager to pay my dog tax and he happened the day before to have gone on one of his grand tours around his grand plantation my dog would probably die before I could catch him to pay the tax.

One grand plantation has 150 people. And, yet, we are asking this legislature to pass a bill which will cost the State of Maine around \$100,000 a year for State government and still force upon people the kind of government they do not want and they have not asked for.

I don't call it a sham. I think the bill has been put together mechanically is perfect, and I think the staff has done a fine job. But it is imposing government from the level of the State down to the local level. And these people don't want that. They want to have an input into their own government. So let me tell you what happened on the first hearing on this bill before it was a printed bill. We had many, many people come to us; county commissioners, people who lived in the wild lands, people who lived in the unorganized areas; and they opposed the bill. They opposed it, primarily, because there had been no local input. And I say to you this morning there still has been no local input.

What happened after that hearing, the proponents of this bill became nervous because there had been no local input — and well they might — and so everything, we had three additional hearings. It was so late in the game I believe only two or three of the members of the committee were able to go and listen to that testimony. But regardless of who went, the fact is that when the hearings were all over, and we came back to Augusta for our last hearing, we came back and the people from unorganized territories came.

I can tell you this morning, for example, we received a petition from the Town of Edmunds, 167 signers opposed the bill. I guess the signers were from Edmunds, Trescott, and Marion. We had another petition of 50 from Kingman who

opposed the bill. And I grant you that 227 is not a significant number, but neither is 5,625 a significant number on which to impose this kind of government on the unorganized territories of the State of Maine. So I say to you, these people pled for the chance to do their own governing, to remain unorganized, and that was it.

So, Number one; the bill does not solve the cutting rights because it addresses itself to one particular problem, that of the paper industry. Two, it does not give a measure of self-government to the people if they don't want it. Those are the two reasons for the bill, and I submit that those two reasons aren't adequate; the bill shouldn't pass.

I say to you again, that those of us who oppose this bill want the cutting rights back for the State of Maine. We believe the procedures can be different; we believe we can get them back. I say to you this morning right here that if this bill is defeated it will not in any way deter, stop, limit the time necessary for us to get these lands back. I believe that once this bill is defeated reasonable men will sit down together and they will work out a program whereby Maine will get this land back. And I am willing to say here that I believe that within a year or two most of Maine wants will be back without legislation and without litigation. All it demands is that reasonable men, men of conviction and men of good intention work together and these rights will come back. But this bill I submit to you is not the answer.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I believe the gentleman from Nobleboro, Mr. Palmer, has just given you a pretty good documentation of the opponents point of view to this particular piece of legislation.

I would like to give you a little history to go back maybe even a little bit further and bring you up to date as to how I see this particular issue.

The Public Lands Committee was created to study the public lots in the State of Maine. Quite honestly, if you were to read the Order creating the Committee and see what you have before you right now or some of the other

legislation before you, in my opinion we've gone far beyond what the Order ever directed us to do or probably ever legally allowed us to do. Thousands of letters went out of this building to people involved in the public lots or people involved in the areas surrounding the public lots. I don't know how many public hearings were held all over the State. Quite frankly, it got to the point that at every public hearing you could tell exactly who was going to be there; who was going to testify. Because it came down to the issue was that all of us I believe knew that we would like to get the public lots back but the question became; what do we do with them once we get them? So we listened to that type of a proposal. Then we came back. We brought on some staff, some excellent staff, and a staff that'd done a very remarkable job of drafting a piece of legislation, which as the gentleman from Nobleboro, Mr. Palmer, stated; is mechanically sound. Nobody is going to deny that one bit. The question becomes, just because it is mechanically sound, is it right, good and proper for those people, and should it be imposed from Augusta?

At the first hearing we held on the particular bill the opponents kind of chastised us, wrongfully in my opinion, because we did try to give them as much of a warning as possible that a bill was in the process; the bill had not been printed; but we did draft legislation that we could submit to them and it was sent out. At that time they appeared before us and were very much opposed to it. One gentleman, Mr. Bell, came before us, who was a very remarkable farmer who — from down in Edmunds — who came before us — and, in fact, if any of you would like to listen to a tape sometime of a public hearing which completely put the legislature and the bureaucrats in their place, and rightfully so, this gentleman sure did it. And the levity which he added to that meeting I thought was excellent. He had great comments relative to the paid bureaucrats that we always listened to first, and that he had to sit around coming from some 200 miles away and had to then worry about whether or not he was going to get gas to get home or not. And he said if he only got part way and had to put up, his wife

was the jealous type, she might not particularly like that. And when he got through, I would like to give you a little bit more of a levity, Mr. Rollins asked him, he said, "Mr. Bell," he says, "Why don't you run for Governor?" Well, the whole place was crowded and just about broke down. When he got through he turned and he said to Mr. Rollins, he said, "Representative Rollins," he said, "there are too many parts of a horse already running for that position."

Well, Mr. Bell also stated that he was very much opposed to this piece of legislation. When asked why, he said, "Well, frankly, I don't understand it. And until I do I'm certainly going to be against it." Well, we were advised that he would probably come around. And we sent our staff out throughout the unorganized territory to try to inform them exactly what was in this piece of legislation and what could be done and what couldn't be done. Mr. Bell subsequently came back to our next hearing, and he hadn't changed his position one bit. In fact, he was the one that got up the petitions and brought them back to us.

One of the things that we did in the last days of the session, the regular session, which I am sure that probably was a lot of you don't realize, was to pass a bill under L. D. 1812. That particular piece of legislation is now, hopefully, being tried to be corrected by the gentleman from Strong, Mr. Dyar. Because what we in essence said was; that in the past, through the Articles of Separation, the public lots were set aside. And when a town became organized then those public lots reverted to the town. Suddenly, we said that in the unorganized territory that's left in the State of Maine that no longer should they organize that the town, that those public lots be allowed to go to those towns or the funds to those towns as they have been in the past. That bill is presently on the table unassigned pending the outcome of this particular piece of legislation.

I don't care, personally, whether I'm a small owner of a piece of land, of a half acre, a house lot, one acre, ten acres, 100 acres, a 1,000 acres or a 100 thousand acres; ownership is ownership. And deeds are deeds. And rights are rights.

And people bought, years and years ago, the rights to cut and harvest timber and grass on these lots. That question is now in the courts of the State of Maine under *Cushing vs. Lund*, in which they, the Court, will have to determine two things, namely; were the cutting rights of the grass and timber for one cutting, two cuttings, or maybe for perpetuity. Secondly, they will also have to decide the definition of grass and timber rights. There is no doubt about it, should this bill pass, that it would make that Court case, basically, mute, and the case then would be determined as to whether this particular bill and the creation of plantations is done in this piece of legislation falls within the rights to terminate the grass and timber rights on those particular pieces of land.

There is no doubt about it, we have some large land owners in the State of Maine. And some of them are the paper companies and not all of them are paper companies. They are families. We also have a good number of what I would call smaller people in the State of Maine who own some smaller tracts that also bought those grass and timber rights and feel today that they still have the right to cut that. And I believe, honestly, that they have the right to cut that. And I believe, honestly, that they have the right to think that and believe that. They have a document, a deed, that says that they bought those rights from the State of Maine. And until those rights are terminated they should continue to have that belief.

Now, this particular piece of legislation, with one swoop of the pen, one swoop of the hammer, will take those rights away from them. But, in turn, they will only take us back to court as to whether we have done it legally or not. And I think that the gentleman from Caribou, Mr. Briggs, was accurate in the statement when he said that this particular piece of legislation would probably have a greater result in the courts than the one we have here at the present time. But it does trouble me somewhat when the legislature suddenly says that these lands belong to all the people of Maine. And that in the regular session we suddenly said that just because those of us in the organized towns have got our public lots and we've

done what we wanted to with it, that now the people who live in those areas no longer have the right to organize and get the benefits of the public lots.

I believe that some day the public lots will become the property of the State of Maine, and we will have the opportunity through our Bureau of Public Lands to do something in the best interests of people. I believe that right now that the issue has come to the forefront through the medias of the press, although I would hope that in no way that this body would really to a, what I consider a very one-sided view in the press, because those of us who sit on this Committee realize that there are a lot of delicate problems that must be confronted.

I am not convinced that the paper companies or anybody else that has the cutting rights at the present time are going to rape and ravish the public lots just because suddenly they have been brought to the forefront because they think they might possibly lose their rights. In turn, I believe that the public lots have been well managed by the paper companies, by the landowners in this State, and I believe they will continue to be. Now, I feel very strongly that once the court case is decided one way or the other, that we will still continue to work towards the recovery of the public lots. In fact, just about every one of the land owners in this State have agreed with us that they would be willing to sit down and try to work out some type of program where these lots can be put to the best use.

There has been some talk about a possible consent decree. No doubt about it this could be worked out. It is something that some of us felt that maybe should be worked and, that is why you will see in the Senate proposed Senate Amendment, which is not on the bill, that an effective date of June 1, 1975 was put on there, so that possibly this consent decree could be worked out and put in the particular bill.

I guess it boils down to one thing, that is, I happened to look at the bill, as I had to make my decision, and came to the question of, should the courts rule in favor of the State of Maine in *Cushing vs. Lund*, such as that the grass and timber rights ended after the first cutting, and

that we, now as a State, own the grass and timber rights, and that the public lots are ours, then is this piece of legislation necessary — as good government for the unorganized territories in the State of Maine? My answer has to be, no. I have not, in any of the public hearings that I have been to anyway, heard too many people stand and say, "we want this, it's good government." I believe it has been just the opposite," that the people say, "we want the input put into the bill. If it is good government, let us tell Augusta and we will then go along with it. But don't let Augusta come up here and impose this type of government on us." I guess that is what we have to look at, and that is the reason why I hope that you support the ought not to pass report.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: As you probably noticed, I did sign the "Ought not to pass report." I have been opposed to the legislation that has been developed since 1973, and the committee was well aware of my opposition. I have discussed it with them, I have discussed it with lawyers time after time. I think the means that the legislature is using is not justified.

I would like to read a few little excerpts from the Article of Separation. Under Section 9, "These terms and conditions has here set forth when the said district shall become a separate and independent state, shall, ipso facto, be incorporated into and become and be a part of any constitution, provisional or other, under which the government of the said proposed state shall at any time hereafter be administered; subject, however, to be modified or annulled by the agreement of the legislature of both of the said states, but by no other power or body whatsoever."

I would like to read some of Section 6; "that all the laws which shall be enforced within a said district of Maine upon the said fifteenth of March next shall still remain and be enforced within the said proposed state until altered or repealed by the government, thereof, such parts only accepted as may be inconsistent with the situation and

condition of said new state or repugnant to the constitution thereof." Section 7; "All grants of lands, franchises, communities, corporate or other rights and all contracts for are grants of land not yet located which have been or may be made by the said Commonwealth before the separation of said district shall take place and, having or apt to have effect within the said district shall continue in force after the said district shall become a separate state." Further down; after talking about grants made to Bowdoin College, which is part of the Articles of Separation. "The same reservation shall be made for the benefit of schools and of the ministry as have heretofore been mutual in grants made by this Commonwealth." These are in the Articles of Separation. They became a part of the Constitution of Maine.

Now, my objections developed last year, under L. D. 1812, Section 3161, "Where lands have been granted or reserved for the use of the ministry or first settled minister, or for the use of schools, in any town." "And now in 1812, these words are introduced: "In any town incorporated and in existence on January 1, 1973." That, in effect, reserves for the incorporated towns and plantations the public lots that were theirs when they became organized.

Now, under Section 4151; "In every township or plantation now existing or hereafter organized there shall be reserved as the legislature may direct, 1000 acres of land and at the same rate in all tracts less than a township for the exclusive benefit of," and here it is crossed out, "such township or tract," and instead, is introduced the words, "the State of Maine." Then a sentence is introduced, "Title to such reserve public lots shall be in and all future earnings attributable thereto, shall belong to the State of Maine for management and preservations therefore, as State assets"

What does the present Constitution of Maine say? "The legislature, whenever two-thirds of both Houses shall deem it necessary may propose amendments to this Constitution." It goes on, "and submitted to the people and either to ratified or turned down."

Section 5; "The people shall be secure

in their persons, houses, papers and possessions from all unreasonable searches, seizures and —."

Finally, in Section 6-A: "No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws nor be denied the enjoyment of his civil rights or be discriminated against in the exercise, thereof."

Now, I think you can begin to see why my objections against this type of legislation arose in 1973 and they have been re-inforced by what is being attempted in the State today. These are constitutional requirements that I have read to you.

Now, under L. D. 1812, I have read what the State is attempting to do in this legislation. It was sent to the Supreme Court for an opinion, not for litigation, but for an opinion. Although I talked to lawyers and lawyers, the only answer I get is, that they made a broad interpretation. Now, when we start trying amending the Constitution by acts of legislature and broad interpretation by the Supreme Court, we are going to be in trouble. Maybe not today or tomorrow, but sometime there may be a legislature and a court in sympathy with opinions repugnant to the Constitution. And then we have lost many of the rights we now have under our Constitution. So, I have been opposed to it. I worked with the committee. In fact, the Grand Plantations was my idea to distinguish a new plantation under the present law as opposed to the new plantation under the opposed law. And I have contributed what I could towards the Committee's results.

Many of us have had letters from throughout the state, most of them coming from the southern part of the State asking that this legislation be passed. To do it, we are going to reverse the stand that has been taken in recent legislatures for home rule. How many times have you heard people arguing for or against the bill on the basis of home rule? Let the local community do what it wants. We are now going to retrace our steps if we enact this legislation and not have home rule, we are going to have rules imposed by the Legislature. Whether the people want it or not, they are going to get it, if this bill is passed.

One other thing that disturbed me. In many of the areas that the committee attempted, there was one phrase that set a red flag waving in front of me. People would come up and say, these are the peoples lands. And believe me, when I hear 'peoples', I begin to wonder, what peoples. The whole gist of their argument is what's mine is mine and what's yours is ours. They have had the benefit of public lots in the southern half of the State. They have squandered them for the most part and they have disappeared. But now they would like to reach out and, something worse than in the middle of the 1800's, collectively, they want to grab what is left of the public lots in the northern part of the State. I don't think the means are justified. I can't be persuaded that this is a legal and constitutional way of approaching this problem. I am quite sure that the people of this State, if they were given a referendum, to amend the constitution, to enact a bill what 1812 would do, it would be overwhelmingly ratified. I am quite sure it would be. Why do we take the short-cut? Why do we set up a precedent that we can amend the constitution by an Act of Legislature with the blessings of an opinion of the Supreme Court? To tackle that, I think you are going down the wrong road.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I respect all the gentlemen on the committee; I respect their opinions, and I would be the first to defend the right to their opinions. But I must say it is my opinion, that in most every case the speakers have been opposed to this proposition in its entirety ever since its initial concept.

I agree that we did spend a great deal of time in the early stages of the public lands work in concentrating on cutting practices. And what we should have been concentrating on was hiring lobbyists to come and persuade you what a great measure this was.

The point that I tried to make before is very important; that State government is already imposing itself up on the citizens of the wildland, unorganized territories, and they have no connection with Augusta whatsoever. The

frustration that they feel could be largely, I think, alleviated by a bill such as this. It is interesting to me that here, repeated again, I have heard that he has said it before, the gentleman from Nobleboro, has some very capable, clever plan to get back the cutting rights. I guess it is all very mysterious, at least it is as far as I am concerned. There are two ways available to get them back so far; in the present court case *Lund vs. Cushing*, initiated by the paper companies to frustrate this legislative body, and the L. D. which is before us. It really makes no difference who the cutting rights on the public lots were sold to for five or ten cents an acre. The big issue now is who owns them? Were these cutting rights intended to be sold forever and for infinity? Or did it just mean the cutting rights on the timber then in place? That is the biggest question.

I was rather interested to hear the gentleman from Nobleboro refer to Mr. Davenport who paid \$29,000 for 40 acres of public lots. Now, dear friends, let me appraise you of this interesting situation. The purpose of the purchase this \$29,000 tract of 40 acres had nothing to do with cutting rights or any interest in same. There is this posh little watering place for rich people, among whom he mentioned with great pride was Senator Clifford Case from somewhere or other. This purchase was made to help to protect Mr. Davenport's exclusive stand at the end of a private road with a locked gate and goes into Kennebago Lake. That was what that was purchased for, for \$29,000 for 40 acres. I just didn't want you to be too confused about that.

Most hearings before this session were on forest practices and not on organization, and I think that was a mistake. I think there is plenty of precedent for the State having moved to organized plantations in the past and in towns as well. There were 167 signers on the petition that was presented and mentioned to you out of a population of about 1200.

Before you get your mouths all puckered up and ready to listen to these interesting things, I must appraise you of the unfortunate fact that during the

enjoyment of the tapes in question that one of the most interesting and exciting and humorous portions became erased. So you won't be able to listen to that portion of the tape, because, inadvertently, it became erased. No inference is intended to be made that any member of either party had anything to do with the erasure of this portion of the tape. Mr. Bell said that all these people were paid bureaucrats that were trying to force this measure down his throat. And he is so incensed by the bureaucrats that are being thus paid that he is running for the Legislature so he can become one himself. He is so entertaining and engaging a man, I am looking forward to the possibility of serving with him.

The deed says that they bought those rights. Now the problem with the deed is, we don't know really whether they bought those rights in perpetuity for a million years or not, and we think that they did not. And that is what the case of *Lund vs. Cushing* presents.

There has been mention that no damage has been done. One reason, if no damage has been done, the public lots would be, a lot of them are held in common and are spread entirely throughout the six mile square so that they wouldn't know whether they were damaging the public portion or not. But for the interest of any of you people, who would care to examine them, I have a couple of five by seven, colored photographs here, that would give you an idea of some of the land practices that are going on the public lots, and they are certainly not very attractive. If this is an example, I don't claim that this is an example of every instance of cutting practice, but if this is going on, on some of the public lands, it certainly should be stopped. It should be examined.

The Maine High Court has ruled that we don't have to get permission from Massachusetts or anyone else in deciding what we are going to do with these lots. This issue was presented to the court when the companies claimed we had no right to use these lots for any purpose other than education. They have said, "you may use those public lots for any public purpose that you deem appropriate." I would respect their views.

I don't imagine that is necessary to continue this discussion very much longer, but I would like you to know that I missed not a single assignment of the committee. And I didn't leave from Nobleboro, Maine or any such central spot as that either. At the hearing that we recently held in Caribou, I was of the opinion that approximately fifty percent of the persons there favored the proposal. In discussing it with several members from the adjoining town of Sinclair at the recent hearing in Augusta, they told me that fifty percent of their residents favored the proposal. Perhaps that is not enough, I don't know. I thought it was sufficient. I would like you to know, just briefly, in conclusion, I have a letter from one of the most substantial citizens, I believe, in Connor, Maine, an unorganized town, just to the north of Caribou, so I feel very close to it. It says, "Dear Mr. Briggs: I have had the opportunity to read over the proposal concerning the Grand Plantation idea. I found it interesting and practical and would like to see this bill pass. I especially like the idea of the citizens of Connor having more to say in local affairs and of having someone we can readily go to who will be current with new laws, rules and regulations, in which we are involved. Thank you for your time and interest. Sincerely, Oscar Pelletier."

I have another letter from the principal of the school in Connor Unorganized Township School and it says: "I have read the rough draft of the proposal to unite the unorganized territories in the Grand Plantations. As I am not a citizen of Connor, I don't feel I should have too much to say. However, I am a teacher and the elementary school principal in this community. So the past fourteen years I have seen the youth in this community leave the area as soon as they graduate from high school. As long as Connor remains as it is I do not see any great change in the future. I do feel that if this bill were passed positive results would occur and give the local young people something more they can identify themselves with. I am of the opinion that many of the older generation are now content to have things remain the way they are. However, we all know how important it

is today to successfully stay in communication with the younger people. I feel this bill would help build a good foundation for responsible citizenship of the youth in the unorganized territories until they can legally speak for themselves. The lawmakers and educators must better prepare them for their formidable duties and responsibilities of sound leadership that face them in the future. That is why I am writing this letter and that is why I hope this bill will pass." I just wanted to get across, Mr. Speaker, Ladies and Gentlemen, that the entire feeling is certainly anything but all negative. It is, at least, equally divided and as I have attempted to make clear; possibly that is not enough. I felt that it was; I felt that if fifty percent of the citizens expressing themselves seemed to express themselves affirmatively, that it was enough for the passage of this nature, and that the measure would be good and beneficial.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I had a fifteen page speech all written out here but I am not going to bore you with it. I think you have already heard the gentleman from Caribou at some length. I think he has become inebriated with the exuberance of his own verbosity, and even though it is very early in the morning here. He talks about fifty people or fifty percent, I happened to be at a hearing down here when testimony was given that in the township of Trescott, there were ninety-seven people that were over twenty-one that might be gotten onto a petition; ninety of them signed that petition against this bill, and seven couldn't be contacted on that particular day it was done. It was all done in one day. In the township of Marion, I understand that there was ninety percent of the people, which ties in pretty much with the one in Trescott that did not want this bill.

I think if the gentleman from Nobleboro looks on his petition that he has with them, there was 197 people from the township of Edmunds who were left over. I think at the hearings there were six people that were in favor of this, and

probably they were impressed somewhat by the Chairman and Gubernatorial candidate, who came down there all by himself to one of the hearings to listen to their tales of woe. He evidently listened but didn't pay much attention.

I happen to represent the unorganized territories of East Washington County. Among them are Edmunds, Trescott, and Marion, all of who have a substantial number of people in them, one of whom is this Mr. Bell, that has been referred to. It so happens that Mr. Bell, like many others, have been living on farms that have been in their families for generations. As a matter of fact, Mr. Bell's farm happened to be in his family for seven generations. These are not people that are nesters on timberlands that were granted to the ministers and to the schools. These people have homes here. And over the years, some of these towns became deorganized. As a matter of fact, it has only been about three years that the township of Topsfield has become deorganized in Washington County. They feel that they do not need the close contact with a local government. They are spread out pretty much, and not many people there, and an awful lot of trouble collecting taxes, assessing taxes and all this sort of thing. It seems as though, for some reason or other, whether you think it is right or not, they would just as soon do business with the tax assessor here in Augusta. And when they have a problem, contact their representative. Because you folks here, if you happen to have an unorganized township in your district, you are the representative to these people. And you should be their ombudsman here in Augusta. And if you are not, this is your fault, if you are the one that is lagging.

This is not a paper company bill, this is a case of whether you do or do not want these people to have home rule in the Grand Plantations. They say that they do not want this type of form rule. And when they want something different, they will ask us for it. Believe me, they are not bashful. Mr. Bell is only one example of the many unbashful people that I have in my territory. I am sure that they, as a matter of fact, this same group were the ones that had me

introduced in this House, and this House passed, the last session of the Legislature, a bill that stops, prohibits the county commissioners from decreeing that after there are 200 people in that township that they have to go back to a town or a plantation. This was supposed to be done on every five years starting in 1865. And we found that this bill was outmoded and this isn't what the people wanted, so you, in your good judgement, said that the county commissioners could no longer do this, you were going to let these people have home rule. Now, we are asked to turn around and tell them, "well, we made a mistake, you can't have home rule, we are going to rule you from Augusta through a grand plantation manager." I just hope that you folks will go along and concur with the Senate on accepting report B "Ought not to pass".

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: It has been my good fortune over the years to attend a lot of track meets. In these track meets they have relay races, and on the relay team there is usually an anchor man. I would put myself in that place this morning as the anchor man. I think that my team is so far ahead that I won't have to bore you very long.

There are ten people on this public lands committee, all of them wanting the same thing for the State of Maine. It just depends on which road you want to take. In the old Scottish song about the high road and the low road, I think that report B is the high road, and I think that is the road that we will take.

I can see a big improvement in the House of Representatives in the 106th Legislature from what it was in the 105th. You people that were here in the 105th will remember that we were told that a deed did not mean anything that we were only stewards of the land and we were here for a short time, which is true. But to you people that have worked and owned land and paid for it with your hard earned dollars, I am glad today to hear a gentleman say that a deed does mean something.

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

MR. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This morning we have heard a lot of concern about, first, a Mr. Bell; and secondly, what claimed to be the majority of around 6,000 people who live in the unorganized territory. We have heard no mention of the interests of about a million people who aren't in this category of Mr. Bell or the majority of the people in the unorganized territory. I wonder if this inordinate concern about the supposed welfare of this majority of the 6000 hasn't perhaps been fostered by those whose interests seem apparently to parallel the position taken by those few people who live in the unorganized territory.

I am prompted to believe this is based on the whole history of legislative bears in the State of Maine where our actions here quite consistently have gone along with the positions which would do the greatest good for these few vested interests.

Now, I sound up to this point rather disheartened and it isn't so, actually, I am very confident this morning that the peoples interests in the public lands will certainly prevail, not today, but very soon. This situation in the State of Maine has existed for many, many, decades. And I have been down here sometime, and during the whole period I have been here I have seen the publics interests emerging as a concern to the Maine Legislature which is fast equaling the concern for the rights and privileges of vested interests. So, those of you who feel as I do that we do have a strong obligation to uphold the rights of the public in the Maine Legislature, I ask that you not be disheartened, that the right is all on our side, and the tide is running our way, and we only have to wait.

Mr. Briggs of Caribou requested a roll call vote.

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

MR. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have listened with great attention to the

debate this morning, and it brings a couple of questions to my mind. I would like to address them through the Chair to anyone who may answer them.

Mr. Speaker, I would like to ask the two questions. In the remarks of the gentleman from Nobleboro, he said that any measure relative to the government of the unorganized territories must give some measure of self-government. I believe I am quoting correctly. My question is; does this measure give the people who live in the unorganized territories some measure or some measure of self government than they presently have? That is my first question.

My second question; the case of Cushing vs. Lund has been mentioned and it apparently concerns itself with the continuation of cutting rights. But is there anyone who can answer me in connection with that suit if it has anything to do with compensation of the cutting rights if they are in fact taken away?

The SPEAKER pro tem: The gentleman from Farmington, Mr. Morton, poses a series of questions through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

MR. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: First of all I am very happy to respond to my dear friend, Mr. Briggs, from Caribou, who chose to say some terribly bad things about my town of Nobleboro. I want to first of all inform you that it is not centrally located in the State of Maine, it is in Lincoln County along the coast, and I will be glad to give him a map of the State. Really I am not anywhere near halfway between Kittery and Caribou.

The gentleman mentioned three or four things which I think need to be answered and I am going to do it just as briefly as I possibly can.

May the very snide remark that probably even from the very beginning he should have been out lobbying or hiring lobbyists to defeat or to propose or to pass this bill. I want to tell you ladies and gentlemen of the House this morning that I don't believe there has been more lobbying done against this bill than has

been done for it. If you know how many taxpayers dollars had been expended in public hearings to retrace our steps and to rebuild our attitudes; if you knew how many mailings have gone out of this State House to the unorganized territories of the State to try to get people to scurry up some support for this document, you would be totally amazed.

I have also been asked or been criticized because I have some mysterious plan. I have no mysterious plan. I just have the feeling and the knowledge that reasonable men can work together to solve the cutting rights problem. You don't do it by just one stroke of the pen; that is what I said, and I say it again. I believe that men of conviction and persuasion and intention will solve this problem. And I said in my original statements, I said between now and two years from now, much of what the State wants will get back without litigation or legislation if we put this document today right where it belongs.

Mr. Briggs also said we are talking this morning about those who own the land now, not who got it back 120 years ago. Exactly, that is what we are doing. And that is why in my initial remarks I mentioned the fact that it is not all the big bad paper boys who have just done nothing but rape the State of Maine. They are not the only ones who own these cutting rights, there are many citizens who own these cutting rights and they are concerned. It is nothing to laugh about, Mr. Davenport with his \$29,000 price tag on a piece of land in 1968. Let me remind you, ladies and gentlemen, Mr. Davenport has a business which grosses \$60,000 a year. I think if he were to lose a \$29,000 asset it might be quite serious to him. And there are others in the State of Maine faced with the same kind of a problem. We are simply saying, look at it, it is not just one great big problem, it is many, many problems. And reasonable men, again, will have to solve that problem.

Mr. Briggs also said the 167 people out of 1,200 is not a very good count for those who oppose this bill. Let me say this to you, I have yet to see one petition, with any signatures of people who want the bill, people who are really going to be affected by the bill. And this brings me

to the measure of self-government which the gentleman from Farmington spoke about. One of the big things about this bill which I think is very, very bad is that you are imposing upon these people a government which is from Augusta and not from the local level up. And these people do have very, very little power. As a matter of fact, I always figured if I had some power at local government, I would have the power of taxation and these people will not have the power to tax.

I guess I won't go on to my dear friend Mr. Susi from Pittsfield. I have said before and say now, that I have honorable intentions; that I am not captive of some great big bad lobby. As a matter of fact, I have not, in the words of the floating around the State House, knuckled under to anybody. I am saying what I believe, and I believe this is wrong, it is morally wrong, and all on top of that it doesn't do one blessed thing for the people we are trying to govern.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: In the answer to the gentleman from Farmington, Mr. Morton's question number one is, I believe, has just been answered. But question number two in the continuation of the cutting rights and how the court will have to address this relative to compensation of the cutting rights, I can only say to him I guess that is a determination by the courts; that if the court should in fact, I guess, rule in favor of the State of Maine, if they feel as though over the years that here has been some compensation due for the management of those lands and so forth, that would have to be one for the court to address itself. Naturally, the people that have brought the court case against the State of Maine, this is one of their arguments that over the years they have managed the lands, and I personally happen to agree that they did manage the lands and managed them in a good way. So that is something that has been argued back and forth but I don't think anyone has got a clear cut answer.

Mr. Speaker, while I am on my feet, I have to address myself to the gentleman

from Pittsfield, Mr. Susi. Because you know, I guess, that this is one of the problems that the committee has had that we have known that we want to do something about the grass and timber rights and about the public lots. And our goal is the same, and that is to get them back. I guess the means and methods that we go about getting them are two different things.

In the very first hearing that we had before, the bill was even printed, the Attorney General of the State of Maine came before us and stated unequivocally the bill would no doubt terminate the grass and timber rights in the State of Maine on these lots. He then went on and stated that a gargantuan lobbying effort had been undertaken to make sure that this bill never got anywhere. I asked him if he himself had been lobbied, because as far as I was concerned I had not had one single soul in my office, anyway or anybody to talk to me pertaining this particular issue. He said no, that he had not been lobbied, that he was sure that it was being done all over the State of Maine, and if they hadn't reached the legislature yet that they would be.

There has been some talk about stealing land. The people who bought the grass and timber rights paid a just fee which was commensurate with the fee simple that they could have bought the land for at the time they bought it. Now, if in the 1800's, if that was nickels that was what land was selling for nickels an acre and that is what land was selling for, nickels an acre.

Right now, on the amount of money that land is being sold for in this State in the unorganized territory, the grass and timber rights in the last few years have been sold for that same amount of money, which is equivalent to a fee simple.

Now, the \$29,000 that Mr. Davenport paid for grass and timber rights ought to strike you a little bit funny, because he bought grass and timber rights so that the land would not be cut. He wanted to protect Kennebago and he wanted to protect the area around it. He wanted to keep in half way decent condition, and he was advised that if he bought these grass and timber rights he then would not have to cut them and therefore could protect his business or his land.

They are talking about what is being stolen. In effect, all of a sudden, just because a minority group of five or six thousand people who live in the unorganized territories are now being told by this legislature, or they were told by this legislature in the regular session that no longer do we want you to have your rights. The people in this State are suddenly going to say, "We are now the mass majority and we are going to tell you what you are going to do with your land and we are going to tell you what you are going to do with the public lots, which rightfully are yours to use when you unorganize." And that is just exactly what you did. You took and put your records right down on top of them with one big swoop. And I have said at least once, and I am not sure but three times in a committee hearing and executive sessions that I just wished I had the day back when L. D. 1812, one night about eleven o'clock, suddenly came before us and went swarming through this legislature, because that is what we did to those people.

So I say right now that we are not stealing anything from anybody, or they didn't steal from us, and what we are in fact doing is, we are saying that a deed is no good. When I buy a piece of land with a deed, I expect that deed to be worth something, and I think that these people did. And I don't care whether it is a guy that owns a half acre, one acre or a million acres. In the interests of all Maine people, I think we are doing just exactly what should be done, and that is that we are progressing toward the location of the lots and hoping that we would get the grass and timber rights back. It has been years and years, and years and years, right up to this point, but now suddenly we have got to jump. We have got to jump to hasty conclusions, and the people in the unorganized territory, these 5,000 people mean nothing to us now. We are just going to say forget it baby, we are coming in from Augusta and we are saying this is it. Well, I say I don't want any part of that type of interference from Augusta. We have had enough of it as it is already.

As far as the paper companies go, as far as the large landowners go, and they

are not all paper companies, as we have said before — I have been to the hearings. I haven't been to all of them, and I didn't go to the ones last weekend either, because all of a sudden I had my own town meeting. On Monday we are told we are going to have public hearings on Friday night and all day Saturday. Well, a lot of us couldn't go on that short notice, but they were held. One man went to Edmunds, one man went to Kingman, and I believe two went to Caribou out of the committee. Granted, the tapes are available to us if we want to sit down and listen to about 12 hours of testimony. But anywhere I have been so far, I have never been convinced yet that the paper companies have raped our lands or that they have raped theirs.

I believe they have done a good job of managing the lands; I think they have done a good job of selective cutting. There have been some isolated instances where they have had jobbers that have gone on the lands and maybe have not done a good job. You cannot cut a tree without leaving slash. It is as simple as that. There is not a process yet that has been devised where we are going to have every single piece of wood that is cut down in a tree. And you can go on any woodlot within two or three years after it has been cut and you are going to see slash until you see new growth come up that is going to hide it or that slash is going to start to work itself into the soil. So this you can always see. You can always go someplace and see it. You are going to see some cases of erosion; there is no doubt about that. That comes under forest practices, and we have tried to deal with that, and suddenly we realized that that was a bigger issue than what we could handle and that is going to take more time.

I say to you ladies and gentlemen that the public lots in this State are in good hands right now, and those that we can get control of and have got control of we can still handle. And the courts will make the decision and we don't need this particular type of legislation to thwart the efforts of five or six thousand people. I don't care how many more people there are in this State that feel as though they are wrong and not duefully due their rights.

Mr. Briggs of Caribou was granted permission to speak a third time.

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I have never requested this privilege before. I thought some of arising to a point of personal privilege, but it didn't seem as though that were quite required, even though my name has been referred to rather loosely.

I must hasten to make clear, if that need be, that I have no concerns or no idea of doing anything or even attempting to do anything to change the opinions of the persons on the committee who oppose this bill. But I must say, in all truth, that the persons I have heard speak from the committee who oppose this bill have opposed it from the first moment that it was conceived, so far as I know.

A very important issue has been raised by the gentleman from Standish, Mr. Simpson, about deeds, that these people in 1850 and 1870, they had a deed. We sold them the land of this State, sold those people the right to cut timber and grass on the public lots for five, ten and fifteen cents an acre. Now the question is very important to make this clear. Did that mean that we sold them the rights for five, ten and fifteen cents an acre to cut the timber on the public lots for ever and ever and ever and ever and ever, or did we mean that timber then standing? The Attorney General contends in his suit that their rights have terminated by their own terms, and I believe that. If the gentleman from Standish, Mr. Simpson, does not elect to believe that, I respect his opinion and his right to it. It is merely his judgment that I question.

It is really ludicrous for me to stand here any longer and discuss this issue. The question of the deeds is whether or not they were sold forever, and there have been court cases which said, to assume that a timber cutting deed, which did not so specifically state, meant that the area of land in the deed could be cut forever is so absurd as not to be reasonably entertained by the court, unless it specifically states that it means forever. In other words, in this particular case, the court judged that it was impossible for it to mean that.

So I don't want to have any difficulty

with any members of the committee. I respect their opinions and I respect their right to them. It is merely their judgment that I question.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I got a little bit curious during this debate because I felt or knew that the State had given away lands, but there was a question in my mind as to whether it was done when Maine was part of the District of Maine and really the State of Massachusetts. I knew that Bowdoin College was given six townships, but I didn't know when and that was done when Maine was really Massachusetts. I knew that my own college was given townships of land, one of them is now the town of Argyle. But I wondered if this continued on after Maine became a state. So looking in the record, I did find that way up into the 1860's Maine was giving away townships. In fact, Colby was granted some townships then. Monmouth Academy was granted land. Limington Academy was granted land and Corina Union Academy was granted land. Of course, these people took that land and immediately sold it because they wanted money to run their academies. This was really before the day of the free public high school.

Now if we are going to be in the position of taking back what we sold, I wonder what the position is of land that we gave away. Are we going to take that back and trace it down and make Colby pay us for the land or subsequent buyers or whatnot? It seems to me there is a case that we really should be perturbed about, where we actually gave the land away, and don't think at that time there wasn't some pretty strong lobbying on the part of the trustees of Monson Academy and the trustees of Limington Academy and Corina Union Academy and Colby College to get these free grants of land.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: Having grown up in the woods of Maine, you

don't know how hard it is for me. I did try not to get into this very complicated subject, and I am not going to speak to any great length. I can assure you.

It seems to me, though, being sort of a practical guy and in my younger days having got around in the woods, I sense several things in regard to the solution of this problem that are not in any sense practical.

I listened intently to the gentleman from Eagle Lake, and I thought that he and I agreed pretty closely in what we were trying to accomplish. I guess what I am trying to do is point out one thing that seems to me entirely impractical in the way of handling this thing under this bill that is now before us. I don't think it has been mentioned. So I guess I will ask you if Mr. Briggs or anybody else can let me know how — I guess I have got to back up a little. These public lots, of course, are right in the middle of the township. There is a thousand acres in the middle of the township. The land all around those public lots is surrounded by land that we definitely agree belongs to somebody else. Now, if we take this thousand acres without a working agreement, we will say, with the people who own the land all around us, how in the name of heaven are you ever going to get to it? Are they going to give you a right of way over their land after this argument in regard to what belongs to them? I think maybe I have got the thought across even if I haven't made it very clear.

Another thing, for those who see these lots as ideal for picnic places and things like that, you have got to consider again, how do you get to them? How do you get to them? If you had a working arrangement, if you would arrange this with the people who own the land all around us, we will say, if we do own it, then maybe you could work this out. But certainly, to do this you have got to handle these with some sort of a working agreement with the people who do own the rest of the land. You set up a park in there and let people in, you would jeopardize — you make the whole woods, all of the woods vulnerable to destruction by forest fires. There are no roads to these public lots we are talking about. There is no right of way. I guess I will

drop it right there, and I hope I have said something that has merit to this argument.

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

Mr. BRIGGS: Mr. Speaker and Members of the House: In the first place, I will be very quick. The largest number of the public lots are not set off. In other words, they are merely held, a thousand acres in common in the entire six miles square township. So there is no question of access to them.

In the second place, it would be very difficult legally to deny access to public lots by anybody. In the third place, in most cases we judged, cutting practices under good forestry management conditions will be continued and stumpage will be readily available for the wood using industries. We had in mind as an example some near Dover-Foxcroft where they are very anxious to set up a new wood industry where we were hoping that some of the public lots could be utilized for that industry. I don't think there are any problems particularly in that area at all.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: The State right now does not know where their public lots are. And if they were to find out and we were to revert back, at least 75 per cent of the land which we have warranty deeds, they could take away from us.

Just a short time ago, Representative Mills, who is now in our body, brought a bill before my committee of a young gentleman in his district that back in the 1880's his grandparents bought a piece of property from someone else. Then it was handed down through. They cleaned the property. They built a home. There was a warranty deed. The young fellow, as I remember, was in the service. When he came back here, after all these years since 1880 something up until now, they refused to take the taxes on the property because they said it was public land and the State had ruled it was public land, although they had a warranty deed to this property. The town had been taking

the taxes on it, or the State had, for years. So my committee unanimously said the State must give him a deed, one dollar and other valuable considerations, give him a clean slate of his property. What has been done to this date, I don't know.

So because of the idea that this will strip a lot of property from us and the State does not know where the public lands are and they have no way, because they testified this before my committee, they didn't know where they were, they can't prove where they are, I shall go along with the gentleman from Standish this morning.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: What Mr. Brawn has told you is accurate. The deed has not been awarded to him ever.

But to address myself to this legislative document here, on page 8, Section 30, the county commissioners on petition, by a majority of the officers of a Grand Plantation or as provided in Section 2051, may lay out, alter or discontinue a highway on any tract of land in any county not within any town or plantation required to raise money to make and repair highways.

What does this mean? It reads very easy and very simple, and I will come back to it because I want to go into Section 31. The county commissioners in September or October annually, by one or more of their board, shall make an inspection of all county roads and state aid highways and other roads originally located as town roads in the unorganized territory, deorganized towns and tracts of land, and in the portions of grand Plantations in their counties shall thereupon make an estimate of the amount needed for repair, cutting bushes, maintenance, snow removal and improvements so as to comply with provisions of the State highway laws and to otherwise make them safe and convenient for public travel for the following year and assess thereon not exceeding 3 per cent of the valuation thereof, and shall assess on the county the balance of such amount if such amount of 3 per cent is not sufficient to properly comply with the

above requirements.

Where do we go from here with those two sections there? We all know that there are hundreds and hundreds of miles of road, good road, built by the owners today who are the wood pulp people, and they will be included in these Grand Plantations, and this is what the county commissioners are worried about. Because when they are included in the Grand Plantation, they automatically become a public way, therefore they become the responsibility of the county commissioners to maintain them, keep them in repair and passable. And if you think they are not going to be forced to do this, then you can't take it away from the wood pulp people because they built these roads and they have maintained them at their cost and expense to promote their business.

When you pass a bill of this nature, under those two sections there, and there is some more there that could be discussed, you are automatically forcing your county commissioners to maintain these roads and anything over 3 per cent goes against the county. That is the hidden gimmick in this bill, putting the cost on the taxpayer who is burdened enough now.

The SPEAKER pro tem: The Chair recognizes the gentleman from Falmouth, Mr. Huber.

Mr. HUBER: As most of you already know, I am a stockholder of James Huber Corporation, which owns some of the rights dealt with by this bill. Because there is apparent conflict, I would like to ask to be excused from voting on this bill.

The SPEAKER pro tem: The gentleman may be excused.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I am getting into this, not because I really want to, but because number one I think it is the most important issue that the citizens of Maine have to face. I am going to read this.

"U.S. Forest lands total 753 million acres, of which one-third have been set aside for recreation and other non-commercial uses. Three-quarters of the remainder is in private ownership.

"Forest Service studies indicate that by the year 2000, United States' requirements for sawlogs will increase by fifty percent over present usage . . . pulpwood demands will more than double.

"That's less than 30 years in the future — not a very long time when we know it takes from fifty to one hundred years to produce merchantable timber for lumber and plywood, and twenty to thirty years for pulpwood.

"The acreage dedicated to commercial timber production has now started to decline. It is 8 million acres less than 10 years ago.

"All indicators show that the current rate of production from private lands must increase if we are to avoid crippling shortages for housing, paper, and the over 5000 consumer products that come from forest utilization."

I have had the great privilege and pleasure to have been a summer resident and sometimes a winter resident of Rangeley, Maine, which is surrounded almost wholly by unorganized towns owned by the International American Plywood, Brown Paper, Oxford Paper, Hudson Paper, and the reason I think the thing that triggered me to get up here this morning was the fact that Skeet Davenport and I have been citizens for many years together in Rangeley. He was brought into this, and he told me that he bought 43 acres of the public lot from Harold McCard's estate. Harold McCard inherited it from Mr. Harry Furbish who was once a councilman here and a Senator.

The whole thing makes me wonder if we haven't used and handled our public lots in a most sloppy way. This public lot happens to be on both sides of Kennebago Lake. One part of the public lot is on the northern side. The other part is on the southern side.

Skeet Davenport is a great woodsman; he has recently gone into the hotel business, Grant's Camps at the southern end of Kennebago Lake. He feels that he has bought not timber rights but the whole bit. I wonder how many other situations like that there are in our State?

I have heard it said on the floor that

the public lots are not identified. They are just something that is an idea in a township. I don't know.

I am not going on and on and on, but my little solution and recommendation in this point in history, where I feel that the State owns one public lot in each township, and that goes back to 1787 to the Northwest Ordinance which Thomas Jefferson had passed for our northwest territory where one lot a mile square was to be reserved for the public. My solution at this point is to offer all the public lots for sale to the present owners, and let's get current prices, give them the land, give them the cutting rights for we will say \$60 million. Then next year when we come back, or whoever does come back, you will have a little reserve to work with to pay for education and the other bills that are going to face the legislature.

The SPEAKER pro tem: 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.

At this point, Speaker Hewes returned to the rostrum.

SPEAKER HEWES: The Chair thanks the gentleman and commends him for an excellent job.

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

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the House accept Report B "Ought not to pass" in concurrence on Bill "An Act to Organize Mainland Unorganized and Deorganized Territories of the State into Grand Plantations," Senate Paper 920, L.D. 2545. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Binnette, Birt, Bither, Bragdon, Brawn,

Brown, Cameron, Carey, Carrier, Chick, Cooney, Cote, Curran, Dam, Davis, Deshaies, Donaghy, Dyar, Farnham, Farrington, Fraser, Garsoe, Greenlaw, Hancock, Hoffses, Hunter, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Maxwell, McCormick, McNally, Merrill, Mills, Murchison, Murray, Norris, Palmer, Parks, Rollins, Ross, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snow, Sproul, Stillings, Theriault, Trask, Trumbull, Twitchell, Walker, Webber, Wheeler, White, Willard, The Speaker.

NAY — Albert, Berry, P. P.; Berube, Boudreau, Briggs, Bustin, Carter, Chonko, Clark, Connolly, Cottrell, Cressey, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Evans, Farley, Faucher, Fecteau, Finemore, Flynn, Gahagan, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Hamblen, Hobbins, Jackson, Jacques, Kauffman, Knight, LaCharite, LaPointe, LeBlanc, Mahany, Martin, McHenry, McKernan, McMahon, McTeague, Morin, L.; Morin, V.; Morton, Najarian, O'Brien, Perkins, Peterson, Pratt, Ricker, Shaw, Smith, S.; Susi, Tanguay, Tierney, Tyndale, Whitzell, Wood, M. E.

ABSENT — Churchill, Conley, Crommett, Dudley, Dunn, Ferris, Herrick, Immonen, Kilroy, Lawry, Mulkern, Pontbriand, Rolde, Santoro, Sheltra, Soulas, Strout, Talbot.

Yes, 70; No, 61; Absent, 18.

(Mr. Huber of Falmouth was excused from voting, there being a conflict of interest.)

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

Non-Concurrent Matter

Bill "An Act Amending the Elderly Householders Tax and Rent Refund Act to Improve Benefits" (H. P. 2050) (L. D. 2584) which was passed to be engrossed in the House on March 19.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-412) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes

the gentleman from Calais, Mr. Silverman.

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

The SPEAKER: The gentleman from Calais, Mr. Silverman, moves the House recede and concur.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if I could pose a question through the Chair to the gentleman from Calais, Mr. Silverman.

The SPEAKER: The gentleman may pose his question.

Mr. GREENLAW: Would the gentleman from Calais be so kind as to explain the exact purpose and intent of the amendment?

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, poses a question through the Chair to the gentleman from Calais Mr. Silverman who may answer if he wishes.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is more administrative procedure which was asked by the State Taxation Department to be put on the bill so they could work with the bill that much more easily.

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

Mr. GREENLAW: Mr. Speaker and Members of the House: I would perhaps pose another question to either the gentleman from Calais, Mr. Silverman or the gentlelady from Bath, Mrs. Goodwin. That is as follows; if a person is receiving supplemental security income does this mean that the person does not qualify for elderly household tax and rent refund assistance?

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman from Stonington's question, this is true. People on SSI will not be able to receive property tax relief. Senate Amendment A is a little bit better than the committee report. When the

committee report came out from taxation it said that people on SSI or even potential recipients of SSI would be turned down. Senate Amendment A now says that only those already on SSI will be turned down if they are someone who might be eligible for SSI they will get property tax relief and then be advised to go on SSI.

The Senate Amendment makes the bill better than it was as it came out of committee. However, I am very, very unhappy with the bill as it now stands. The law on the books now says that it is the intent of the legislature that any claim paid under this chapter shall supplement any benefits paid under AABD or any program which succeeds or supplants it. This law is still on the books and I think this legislature had a moral obligation to grant property tax refunds to people who are now going on SSI, however, I obviously was wrong. In 1971 when this legislature first enacted the property tax for the elderly program we said that we were going to fund tax relief for people on aid to the aged, and we appropriated enough money to do so. However, the Federal Government then told us we could not do this because tax relief is income or was income under aid to the aged. Wanting to give people property tax relief anyway the special session of the legislature transferred \$600,000 to Aid to the Aged. We then raised the standards and the people got a little bit more under Aid to the Aged because they did not qualify for tax relief.

However, now the Federal Government says that property tax relief is not income anymore and that people on SSI can receive property tax refunds without any penalty in their SSI checks. However, the Appropriations Committee removed the \$750,000 out of Part I which would have provided the money for 10,000 new eligible people. These 10,000 people who would become eligible are the poorest elderly in the State of Maine and nearly every single one of them would have qualified for a total tax relief under Representative Silverman's bill. However, I know I am fighting a losing battle it was defeated very badly in the unmentionable body, the bill as it now stands is certainly

better than the law which is on the books now. I am hoping to start a crusade for the next legislature to make SSI recipients eligible for tax relief but I know I don't stand a prayer of getting \$750,000 so I will go along with the motion to recede and concur.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentlelady from Bath, Mrs. Goodwin for her explanation. I am happy to learn that the Federal Government apparently has indicated that people who are receiving SSI benefits can also receive aid to the tax relief for the elderly.

I would like to cite one example of which I am sure there are very, very many in the State that I became aware of last fall. There is an elderly lady who lives in Stonington who has a very bad heart condition, she is 69 years of age and receives, I believe, social security to the amount of about \$1,600 a year. She also receives, presently, \$10 a month, \$120 a year on aid to disabled. I haven't been in touch with her recently but I can imagine what the rising costs of fuel has done to her monthly expenses. Her tax bill was in excess of \$200 last year and because she was receiving aid to the disabled she did not qualify for any tax relief whatsoever. I think the gentlelady from Bath has very vividly placed the accurate circumstances of committee, aged and elderly people in this State before you today. I think it is unfortunate that this legislature has not dealt with that situation. If we can not deal with it today I certainly would join her, if I am back here at the next session of the legislature and try and correct what I consider to be a very, very bad justice to the senior citizen of this State.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: We realize that there is a problem in the SSI. We also realize that it will cost \$750,000 to fund it. Our problem being; where are you going to get the \$750,000? This bill that is before you today is giving

improved benefits to people who are in desperate need for tax relief assistance. It isn't the cost of a half a million dollars, it takes in as many as we thought were denied when the bill was changed in 1972 or 1973 — 1973 when the bill was changed. And many of us blindly followed what we thought was going to be an improvement to everyone. And instead it was an improvement to some, and those in need the most did not receive the assistance they deserved. Therefore, this bill does help them. This is a half a million dollars for tax relief assistance to non-welfare recipients. This to me is important. I absolutely agree, if we want to make political hay with everything the representative from Stonington and the representative from Bath said, there certainly has to be tax relief to the people of aged, blind and disabled, too. But the money is not there. If you know where we can get it such as under other departments, then we would have a field day cutting up the law. But I do hope you recognize that the bill coming out for tax relief assistance is a big help in the right direction for so many people from my area and must have from your area and given them refunds on property taxes that have continually gone up, up and up. I hope I have explained how far we have gone today.

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

Mr. DYAR: Mr. Speaker and Members of the House: Briefly comment on the SSI bill as it presently stands in committee. The basic allowance would be \$140 a month for an individual they would pick up another eight dollars which would be in lieu of this tax refund, and it would also pick up a maximum of \$42 a month for shelter allowance or a total of \$190 a month. This would be 66 percent of that allowance to a couple. So, I feel that possibly we are not doing all we could do for the senior citizens, at least we are trying to accomplish something by putting in this eight dollars a month which is only \$96 for the individual or \$120 a year for a couple.

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

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

certainly am in favor of this bill, but listening to the remarks made by the gentleman from Calais brought something to my mind. That when the next incoming legislature comes back here lo and behold we are going to have to raise a considerable amount of money to keep the state programs going and keep State government operating. And this is something that really bothers me, and I am sure that it should bother you people. Because we are forever into the legislature having bills for tax relief for the elderly, the blind, the disabled, the ADC, foster care and so on. And they are all well worth while programs, they certainly are. But there is somebody who has to pay for them. The average fellow that is running a farm or the man working in the factory, the policeman in the city, whatever have you, he has to pay for these programs. And this is something that really concerns me because we are without doubt and as the gentleman from Lewiston, who is an expert on figures, has indicated, we are going to have to come back here and raise some very serious money to keep the operation of State government going. I am sorry that we couldn't raise the kind of money that we probably should have had to put into this program because it is very evident there isn't any. Where is it going to be when we come back the next session of the Legislature? I think this bill here, even though we would like to see more money in it, it is the best that we can do. I only hope that we will have funds enough to keep this government operating and functioning at the next session of the legislature.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I think I can go a little further in explaining this to Mr. Greenlaw. I can understand why he is a little more or less concerned. We started out with the supplement security insurance at \$130 for a single person \$195 for a married couple or two living together, either way, and since that time, through this bill here with the request for tax aid, they were increased to \$140 and \$210, fifteen on a married couple and ten on the single

person living alone. This money, the intent of this money was to take the place of tax relief to the elderly. That is a definite answer because that is the way it is supposed to be. They are getting \$120 a year now on a single one and \$180 on a married couple in place of tax relief to the elderly. Now, there is in the process whereby the single — I think Mr. Dyar mentioned this, but we didn't go deep enough. Right now they are in the process of increasing the single person \$8 more, making it \$248 and the married couple \$12, making it \$222. These are all tax relief for the elderly.

I might even go further and say on page 6 of Legislative Document 2602, you will see a new figure in there of supplement security income optional, \$2,316,540. This is the State's share of supplement expense, security income. Like everyone who has spoken, I regret that we can't give them more, but they are much better off, especially under this supplement security income, they are much better off now than they were two or three years ago.

When we were under the old OAA and Aid to the Disabled, Aged and Blind and old age assistance, when we were under that, all we were doing in the State of Maine, they were picking up what social security they could, then we were supplementing direct. Therefore, as Mrs. Goodwin has said, who is very capable on this, much more capable than I am, she has said, they -- we transferred over there \$650,000, I believe \$600,000 was correct, into that account that was giving them additional for their taxes. But last year we did make a blunder in '73 so the '72 tax wasn't as good. But I believe this bill right now, when they are freeing taxes up to \$3,000 and he can get his proportion from there on, I think it is a fine bill. I think we have taken a great step forward, and I think everyone who worked on this bill deserves a lot of credit.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this too much longer, but there seems to be a little bit of

misunderstanding about SSI and what it actually is.

The increase from 130 to 140 and 195 to 210 has nothing to do with property tax relief. This was an increase by the federal government on the guaranteed income for the elderly. It had nothing to do with tax relief because the federal government says they now qualify for tax relief. Granted, this legislature is now in the process of giving \$8 supplement to a single person and a \$12 supplement to a couple. This doesn't cover property tax relief; this doesn't even cover the cost of living. People on Aid to the Aged, Blind and Disabled have received no increase in benefits. This \$8 and \$12 will only begin to cover the cost of living.

I know that I am fighting a losing battle, and that is why I am not going to offer an amendment. I am not going to try to change it. The bill is a good bill as it is before you now. However, there are 10,000 elderly people out there who qualify for it, 10,000 people that we have said no to.

Thereupon, the House voted to recede and concur.

Non-Concurrent Matter Later Today Assigned

Bill "An Act Providing for a Workmen's Compensation Insurance Fund" (H. P. 2047) (L. D. 2580) which was passed to be engrossed in the House as amended by House Amendment "B" (H-770) on March 20.

Came from the Senate with Report A, Refer to 107th Legislature for study accepted. (H. P. 1811) (L. D. 2292) in non-concurrence.

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

Orders

Mr. Dam of Skowhegan presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Department of Mental Health and Corrections is directed to cease the removal of equipment and furnishings from the Women's Correctional Center at Skowhegan until a final decision has

been reached by the Legislature as to the future use of the Center. (H. P. 2081)

The Order was read.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: The reason for me putting this order in is because number one, the facility is located in my town. And number two, it is because of the actions that are being taken by the Department of Mental Health and Corrections. I think the Department of Mental Health and Corrections has far exceeded any authority that any agency of this State should have. I fully realize that the facility at Skowhegan as a correctional center is going out. This I accept. But I do not accept what is going on right now in Skowhegan.

I have to go back to another facility, state-owned, state-operated in the state to start off with what I intend to put into the record today.

Last year, this same department almost stripped the Bangor Mental Hospital of the beds and mattresses, divans, or sofas, whatever you want to call them. These materials were hauled in State vehicles to various parts of the State and given to so-called low income people. Had there been any organization set up to receive these, I would not be opposed to that part of the program. But nothing was set up to receive this merchandise, and in many cases, not one, but many, this merchandise was stored outdoors, it was allowed to be rained on and become water-soaked. A few of the mattresses, maybe half of them, did find their way to homes of poor people that had never enjoyed a mattress to sleep on. But a great majority of these, including the sofa beds and other furniture found its way to the various municipal dumps.

I did not think I would put the order in today. On the way down I mulled it over in my mind and then I decided yes, I would. But had I really decided to, I would have gone back into the expenditures of the 104th and 105th Legislature, and it seems to me that we have quite well funded the various correctional institutions in the State of Maine during those past years.

Somewhere in the back of my mind I seem to recall, I think it was in the 104th, that something was said about laundry equipment for the men's correctional center. I believe that appeared as part of the budget. But evidently this is not true, because last week in Skowhegan the trucks came from the State Prison and men who were not carpenters or men who have no regard for property, whether it be State owned or privately owned, started to remove the doors and the door jams from the Women's Correctional Center in Skowhegan. They were ordered to do this by the department head, because they say they need the laundry equipment at the Men's Correctional Center. They had been ordered to remove the furniture because they needed it at Bangor Mental Hospital, because they had given away what was there. What this amounts to is a deliberate attempt by the Department of Mental Health and Corrections to make some members of this legislature out to be bold face liars, including myself. This I resent.

Up until this stripping of the facility started, the buildings in Skowhegan may not have been in the best of condition, also called excellent condition, but they were far superior to some that we have in other parts of this State. And the reason for me presenting this order is hopefully to stop this stripping and this waste, removing light fixtures and getting the building down to a bare shell of four walls. So maybe when the people come back, maybe myself included, in the 107th, I don't know, but if a study is made of the facility at Skowhegan, if the Department of Mental Health and Corrections has their way, it can only result in one thing, it would have to be an adverse study because there will be no plumbing fixtures, no wiring and possibly no doors left in that facility.

I don't believe this is the way to treat the people of the State of Maine. It is their money that is involved in this building, and I would not be on my feet here today had I not received calls about what was happening. I did not go up to the facility, even though it is only about a mile and a half from where I live, to see what was going on, because I do like to think that the State agencies don't

operate in the fashion that some of them do. But I received quite a few calls as to what was happening, and I think the Department of Mental Health and Corrections has far far exceeded any authority that any agency of this State should have. I would hope that we would pass the order today. I don't know what will happen when it gets to the other end of the hall, but at least it is in the record for the people of the State of Maine to read and know what is happening with their tax money and how facilities can be made, by orders of the administrators, to become obsolete and in disrepair.

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 concur with the remarks made by the gentleman from Skowhegan, Mr. Dam. The Committee on Health and Institutional Services at several points in time in the 105th Legislature saw this same procedure used at the Augusta Health Institute where furniture was demolished and taken to the dump rather than being utilized. This happened at Pineland where several years ago we had resident facilities, the residents were moved out and office space put in, and last November the reverse procedure occurred. The office material was taken out and now we have patients in those buildings with no plumbing and plumbing facilities, due to the fact that they were torn out several years ago. So now we have monies in our budget to replace the plumbing that was torn out several years ago because it wasn't needed.

I would invite any of you to go to Staples Hall at Pineland and see the bathing facilities for eight- or nine-year-old children which consists of training chairs and garden hoses, which I think is actually a detriment to this State.

It amuses me somewhat here this morning, having been in the same position as Mr. Dam several times, to see the distribution by the gentleman from Augusta, Mr. Sproul, where the State Hospital has a confinement problem. A mental patient who walked away nearly a year ago has finally been apprehended. The department, on many

occasions, has denied the fact that this person ever existed. I brought this to the attention of leadership, and I think there has been some action taken. Right at the present moment the Attorney General's Office is puzzled because they have no place to put this man. He cannot put him in the Maine State Prison because he hasn't committed a crime, even though he did murder a person. He was found incompetent to stand trial because of mental disease, was confined across the river here. But we did close our maximum security unit. So right now the Attorney General's Office is going to have to decide where they are going to put this man, and I am very glad to see that Mr. Cohen feels that the Augusta Mental Health Institute is not the place for this gentleman to return to.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I need to remind any member of the Health and Institutional Committee who served during the 105th Legislature of what happened at that time. Mr. Dyar has covered practically everything that I had planned to say. But this is nothing new and I hope that you would support the order presented by Mr. Dam.

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

House Report of Committee Ought to Pass in New Draft New Draft Printed

Mr. Curtis from Committee on State Government on Bill "An Act Relating to Conflicts of Interests and Purchases by Governmental Units" (H. P. 1753) (L. D. 2212) reporting "Ought to pass" in New Draft (H. P. 2080) (L. D. 2603) under same title.

Report was read.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair to the gentleman from Orono, Mr. Curtis, as to the effect of this bill on the currently existing law regarding conflicts of interest by officers of

quasi-municipal units such as the sewer districts and water districts, whether in that particular case it makes the law regarding conflicts of interest more protection to the public or less protection?

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to have an opportunity to make some comments on this bill.

To answer the question that is posed, I would suggest that it makes the law more protective. It certainly clarifies the laws in regards to quasi-governmental organizations. I think, at this point, since this is one of the ethics conflict of interest pieces of legislation, it would be helpful to all the members of the House if I describe what the three pieces of legislation are that we have or will have before us. This bill right here provides for conflict of interest in purchases by governmental units, including municipalities, counties, and the State. This bill and its provisions do not refer to legislators. I make that statement based upon an opinion of the Attorney General in 1972. I would be pleased to provide a copy of that to anybody who had a particular interest.

There is another bill which is now in the other Body, which we will have eventually, which does make arrangements regarding conflicts of interest regarding Legislators. The third piece of legislation which we have is the one that is tabled on today's calendar, and it provides for a change in the makeup of the ethics committee.

Now to get back to the bill before us right now. This piece of legislation is necessary, I would suggest it is a true emergency piece of legislation, because there are now two interpretations of the present statute. This legislature made a change last year, and in making the change, we made or provided a situation in which contracts and purchase agreements made by municipalities and counties are void if a member who is appointed or elected official of that municipality or county is involved in the

company or organization with which the contract or purchase is made. A provision in this proposed law would enable such a contract to be valid if the person who might have a conflict of interest was either not on the board making the decisions or was on the board and did not vote or participate in the decision that was being made. It would also provide in the event that there was a mistake or some sort of misunderstanding that instead of making the contract or the purchase absolutely void it would be voidable. Presumably, at the discretion of some court in which it might be questioned.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman for the explanation.

In regard to Section I of the bill, which is L. D. 2603, it appears to me that the provision which now exists in our law, regarding the absolute prohibition under the strong sanction of contract being void, presumably funds having to be refunded if a governmental unit is involved, that appears to be stricken. And we substitute for that concept, the concept that it is all right, if I understand this bill, if you are a sewer or water district trustee and the district is involved in a contract for hundreds of thousands of dollars, and many of these contracts can easily run into that amount, as long as you don't vote on that particular bill, I recognize there can be problems in getting the proper and able people to serve on these bodies. And it may be that there is some adjustment needed in our law particularly as to the concept of void rather than voidable. I consider this, if I construe it correctly in regard to the situation which I opposed, not to be a greater protection for the public but rather to be less protection. What is the practical position of a man who is either a significant shareholder or principal employee for a certain organization which seeks to do business with the quasi-municipal corporation, which might involve very, very, large sums of money even though he himself does not vote or take part in the debate concerning the decision? He has

contacts of an intimate kind with the other members of the Board regarding other decisions. It seems to me to be a fundamentally bad public policy. And in the year 1974 heading in exactly the wrong direction, a 180 degrees out. To say that as long as there is no actual payment a kickback, a payment under the table, of course, that is wrong. It constitutes bribery I would think if nothing else. As long as the individual carefully abstains from voting but nevertheless an organization in which he is a significant shareholder or owner or principal employee, may so contract with, lets say the water or sewer district, and he sits on the board of trustees. I am afraid that maybe the laws in the legislature in one sense would become too sophisticated. Perhaps there might be in a derogatory fashion, another name for it. I hate to pose the question to people in my town as to what they would think; what the policeman, the barber, the truckdriver, the farmer, the fisherman, what they would think about a deal like this. They might not know the exact difference between void and voidable. But I suspect they would be very suspicious and perhaps rightfully cynical about such a process.

For the reasons that I have set forth, in regard to the other exercise of powers by a member of the board of trustees, I would find it very difficult to vote for the passage of this bill. We have had other ethics bills mentioned, including the legislative ethics. And sometimes we in the legislature are criticized for applying to municipal and quasi-municipal offices standards that we do not apply to ourselves. Perhaps the criticism is partially right. But I suggest to you that there is a distinction, and that distinction is, we are here to legislate. We do not award contracts, although true, we may be appropriating the money that it takes to generate the work, but we do not have control over that. The trustees of a sewer or water district or other quasi-municipal body are not legislative officials. They are, rather, executive or administrative officials. They are, in a sense, at the local level, the equivalent of a body that might exist at the State level, say a three-man board or a five-man board

presiding over the award of contracts. I don't think I would be interested at the State level in having a board like that decide on a contract if it had a member on it, who owned a fair number of shares, say at 40 or 50 percent, and a corporation was after the contract, or was an employee of that.

I would ask for a roll call on the acceptance of the majority report. And I would inquire of the gentleman and the other committee members whether there is any desire on their part, whether they share any concerns that I have expressed or whether I am utterly off base; whether there is any desire on their part to perhaps deal with the other portions of this bill, which I think, may be reasonable and desirable in regard to distinction between void and voidable, and the provision regarding actual fraud, to possibly delete the section of the bill which is 3104.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this, I would remind people that this is a unanimous committee report from the State Government Committee. I would like to explain something a little bit further, which I did not clarify in my first statement.

I guess we have three choices now. One, is to do nothing with the present law. And as that applies to quasi-municipal corporations, as I understand it, there is no law. There is no provision for a conflict of interest. The bill before us provides and includes quasi-municipal corporations. What the gentleman from Brunswick was referring to in the law. And I would suggest that it definitely provides strengthening of the law. If you look on the bill, this is L. D. 2603, on page 3, you will find a definition as it is applied. I would be pleased to read it but I think that may not be necessary in this debate. At any rate, it has a standard which would be applied to a person who is on the board of directors, for example, a quasi-municipal corporation.

Now the third alternative that we have before us is to do nothing at all and that would leave us with the present law which I think I explained was quite a

serious situation and definitely needs correcting. So if the gentleman from Brunswick is still concerned, after he analyzes this bill and still thinks opposite as I do, if he still thinks this is an attempt to modify and make easier the law, then I would suggest an appropriate way to handle it as an amendment. I think if you look at this bill carefully, you will see that we have done some work on it and we have, indeed, included quasi-municipal corporations where they are not now included in the present statutes.

The SPEAKER: Mr. McTeague of Brunswick was granted permission to speak a third time.

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I did not hear a specific answer to the hypothetical question that I attempted to pose from the gentleman from Orono, Mr. Curtis. Nevertheless, I agree with him, at least Sections 3 and 4 of the bill and possibly other sections, may be worthwhile. On that basis, I would ask to leave or withdraw my request for a roll call on the hopes of following his suggestion regarding this amendment, Section 3.

Thereupon, the Report was accepted, the New Draft read once and assigned for second reading later in today's session.

Passed to Be Engrossed

Bill "An Act Clarifying the Regulation of Roadside Cutting Practices" (S. P. 948) (L. D. 2596) (S. "A" S-419)

Bill "An Act to Establish Guidelines for Release of Accused Persons Pending Trial" (S. P. 946) (L. D. 2594)

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

Passed to Be Enacted Emergency Measure

An Act to Correct Errors and Inconsistencies in the Education Laws (S. P. 895) (L. D. 2488) (S. "A" S-371) (S. "C" S-386) (S. "D" S-391) (S. "E" S-398) (S. "F" S-402) (S. "G" S-403) (H. "A" H-682)

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

engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Later Today Assigned

An Act Relating to Consent to or Surrender and Release for Adoption. (H. P. 2051) (L. D. 2585)

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

(On motion of Mrs. Boudreau of Portland, tabled pending passage to be enacted and later today assigned.)

Passed to Be Enacted

An Act to Create the Enlisted National Guard Association of the State of Maine (H. P. 2067) (L. D. 2598)

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

(Off Record Remarks)

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

Emergency Measure Later Today Assigned

An Act to Provide for a Moratorium on the Issuance of Lobster and Crab Fishing Licenses (S. P. 942) (L. D. 2587) (H. "A" H-782)

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

(On motion of Mr. Greenlaw of Stonington, tabled pending passage to be enacted and later today assigned.)

Passed to Be Enacted Emergency Measure

An Act Establishing the Office of Energy Resources (S. P. 832) (L. D. 2375) (S. "A" S-376) (H. "A" H-772)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 108 voted in favor of same and 15 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Granting Energy Emergency Powers to the Governor (H. P. 2005) (L. D. 2549) (H. "A" H-771)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken.

Thereupon, Mr. Martin of Eagle Lake 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 passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bither, Boudreau, Brawn, Briggs, Brown, Bunker, Bustin, Carey, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Deshaies, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farley, Farnham, Farrington, Faucher, Fecteau, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jacques, Jalbert, Kauffman, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahan, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian,

Norris, Palmer, Perkins, Peterson, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Smith, S.; Snowe, Sproul, Stillings, Susi, Tanguay, Theriault, Tierney, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Berube, Bragdon, Cameron, Carrier, Chick, Cote, Davis, Dudley, Good, Hamblen, Hoffses, Hunter, Jackson, Kelleher, Kelley, Lewis, J.; Littlefield, Parks, Pratt, Strout, Trask.

ABSENT — Churchill, Crommett, Donaghy, Dunn, Evans, Ferris, Herrick, Immonen, McCormick, O'Brien, Pontbriand, Santoro, Sheltra, Silverman, Soulas, Talbot.

Yes, 113; No, 21; Absent, 16.

The SPEAKER: One hundred thirteen having voted in the affirmative and twenty-one in the negative, with sixteen being absent, the motion does prevail.

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

Emergency Measure

An Act to Incorporate the Vinalhaven-North Haven Water and Electric District (H. P. 2065) (L. D. 2597)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Later Today Assigned

An Act to Regulate Sale and Processing of Crawfish. (S. P. 937) (L. D. 2575) (H. "B" H-788) (H. "C" H-789)

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

(On motion of Mr. Maddox of Vinalhaven, tabled pending passage to be enacted and later today assigned.)

Passed to Be Enacted

An Act Placing Certain Limits on Campaign Donations and Expenditures

by Candidates for Political Office (H. P. 2054) (L. D. 2589) (H. "A" H-776)

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

Emergency Measure

An Act Relating to Supplemental County Budgets (S. P. 947) (L. D. 2595)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of same and 8 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

(Off Record Remarks)

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

Mr. BIRT: Mr. Speaker, I move the House stand in recess until two o'clock.

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

Mr. JALBERT: Mr. Speaker, I move we be in recess until two-thirty.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House stand in recess until two-thirty this afternoon. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

65 having voted in the affirmative and 61 having voted in the negative, the motion did prevail.

After Recess

2:30 P.M.

The House was called to order by the Speaker.

Orders of the Day

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

Bill "An Act Creating the Maine Education Commission and Vesting in the Commission Certain Responsibilities" (H. P. 1917) (L. D. 2454)

Tabled — March 22, by Mr. Simpson of Standish

Pending — Acceptance of Committee report "Ought to pass" in New Draft (H. P. 2075) (L. D. 2601) under new title "An Act Creating the Post Secondary Education Commission of Maine"

Thereupon, the Report was accepted, the New Draft read once and assigned for second reading later in today's session.

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

Bill "An Act Changing the Membership of the Legislative Ethics Committee" (H. P. 2069) (L. D. 2599)

Tabled — March 22, by Mr. Birt of East Millinocket

Pending — Passage to be engrossed

On motion of Mr. Stillings of Berwick, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles" (H. P. 2060) (L. D. 2592)

Tabled — March 22, by Mr. Birt of East Millinocket

Pending — Motion by Mr. Stillings of Berwick that the bill be indefinitely postponed.

(A Roll Call requested)

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

Mr. MARTIN: Mr. Speaker and Members of the House: The gentleman from Bridgewater, Mr. Finemore, has an amendment to offer. I notice he is not in at this point, and I would ask someone to table it until later in today's session.

Thereupon, on motion of Mr. Birt of East Millinocket, retabled pending the motion of Mr. Stillings of Berwick to indefinitely postpone and later today assigned.

Supplement No. 2 was taken up out of order by unanimous consent.

Papers from the Senate

Report of Committee

Ought to Pass

Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for Maine Vacation Travel Services" (S. P. 952) (L. D. 2604) Emergency reporting pursuant to Legislative Council Order dated December 19, 1973 issued under authority of 3 M.R.S.A., Section 162 reporting "Ought to pass" Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the Bill read once and assigned for second reading later in today's session.

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 indefinitely postponed in the House on March 14.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "A" (H-753) and Senate Amendment "A" (S-416) in non-concurrence.

In the House:

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

Mr. HAMBLEN: Mr. Speaker, I move we adhere.

The SPEAKER: The gentleman from Gorham, Mr. Hamblen, moves the House adhere.

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

Mr. MARTIN: Mr. Speaker, I move

we recede and concur.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that the House recede and concur, which motion takes priority.

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

Mr. HAMBLÉN: Mr. Speaker, Ladies and Gentlemen of the House: I would request a division on that, and I would like to make a few comments.

As I mentioned the other day, I hate to see the State income tax laws changed for any purpose like this. They are very workable now. They are based on the federal taxable income. Several years ago, the federal government did make provisions for pollution control facilities by allowing the rapid amortization of such, facilities that would normally be written off or depreciated over a period of 20 or 25 years are allowed to be depreciated over a period of 5 years. The effect of this is to give the companies quite a benefit from federal taxes and this flows through so they get quite a benefit on State taxes.

I believe the State, several years ago, also made pollution control facilities free of the State sales tax. I think that the combination of these is plenty of credit for something that really should be done anyway.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to get up and plead and ask you to support me, but I do think that it is important that we know and understand what we are trying to do.

The purpose of this bill is to try to get industries to clean up at a faster pace than what they are doing, and they are trying to meet the federal and our own State guidelines and deadlines while doing that. I think it is a good idea to give them the opportunity and give them a reason as to why they ought to do it that much quicker. If we believe in wanting to get the waters cleaned up, then I think we ought to believe in giving them the opportunity to deduct that from their State income tax. I don't think it is anything that we ought to kill just for the sake of killing. As far as I am concerned,

it provides an incentive which will allow industries to move faster in the area of pollution control facilities. I would ask for a division.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: One of the things we should consider here is that under present federal law you have a 7 per cent credit on 22 per cent tax. This is about a 3 per cent overall. Under this bill as now amended, you have a 5 per cent credit on a 4 per cent tax, which is about a 12 per cent benefit. It is possible here that you will see some of the larger companies that have very expensive pollution control facilities, they may not even pay State income tax for a couple of years.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, 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. Cooney of Sabattus 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 Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. The proper motion, as far as I am concerned, is to adhere, which would effectively kill this measure once and for all.

Tax exemptions are something that I think all of us look on very carefully. We have passed laws here and at the federal level which require people to do something that they should have done a long time ago, and that is clean up their pollution. Every time we seem to make a

reasonable law of that sort, we find that some people look for a way to get somebody else to pay for it. And I hate to point the finger at industry in this particular case, but they are the ones with the professional legal minds and the high-powered corporate executives who can think up schemes like this, and I can see they are coming to the legislature with their hands out asking us to pay for something that they should be doing by law anyway. You are saying that your average taxpayers is going to pick up the tab for what the corporations or the larger companies of this State should be doing anyway.

So I hope that you will vote against receding and concurring so that we can propose the motion to adhere.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Sabattus didn't quite finish his story, because we are the ones who set the guidelines and we are the ones who set the standards and we require that they meet them. Whether or not we allow them guidelines and loopholes, that is something that you and I can decide on.

I think it is very simple. I am not going to bleed blood over this one, but I think it is a very simple proposition. If we believe that industry ought to have an incentive to try to clean up, then I think we ought to vote for it. If we believe that we ought not to, then we ought to vote against it. Then maybe the following year, we ought to allow them the opportunity to not clean up, and then maybe that will open it up for everyone else. I just think if we want to assist industry and I think we, after all, ought to keep in mind that people are not going to eat trees, that they need to have jobs and jobs have to be provided, and I think you have to give industry some incentive in order to do some work. I think this offers an opportunity for that.

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

Mr. COONEY: Mr. Speaker and Members of the House: I am surprised to see my good friend from Eagle Lake

giving me payrolls of pickerel argument this morning. I think that the people who proposed this bill are the people who knew when the laws were passed that 1976 was the deadline. They have planned for it. They are prepared for it. I think that most of them will be on that timetable, and here they are coming in and saying, "Well, this will be a good gimmick, ask for a tax deduction." So for pollution control equipment, it sounds like a dandy idea, and we are almost ready to buy it this afternoon. I sincerely hope you don't.

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

Mr. JACKSON: Mr. Speaker and Members of the House: With your permission, I would like to tell a short story here which I think would illustrate the point of this.

The SPEAKER: If the story is germane to the item.

Mr. JACKSON: Mr. Speaker, I think the story will be germane.

On a farm in Maine there was a pig and a chicken. The farmer took pretty good care of the pig and chicken and he gave them a good place to live and a dry place to sleep and all. Then one day the pig and the chicken were talking together and they said, "Well, we ought to do something for the farmer to show our appreciation." So they talked about it and thought about it a lot and finally the chicken said, "Well, I think the thing to do is we will give the farmer a nice ham and egg breakfast, and that will show our appreciation." The pig said, "Whoa, wait a minute, that is involvement for you, but it's total commitment for me."

What we are talking about here, a lot of these pollution requirements come from the federal government. Well, the federal government tax is a far larger tax, and that is involvement. But when you talk about a 12 per cent commitment for the State of Maine, where we only have a 4 per cent tax, you are talking total commitment for the State of Maine.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Based on that little story, total commitment means our

being here, whether or not we are going to adjourn Friday or the following week. But I would like to talk total commitment of something else.

I represent an area that has seen a heavy out migration, based on the fact they don't have industry, they don't have jobs. I have seen in 1959 a graduating class of 121 have a total of 20 people left in that graduating class being left in that area, and the rest of them going to Connecticut for jobs. In 1965, I saw a graduating class of 210, with only 20 per cent staying in the area, the rest going to Connecticut and Massachusetts. It seems to me that I think all of us have a commitment, a total commitment to try to help that situation, as this is going to do, and I am willing to try it.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I am indeed surprised to see the gentleman from Eagle Lake advocating for us the old trickled down theory of prosperity, give them the tax break at the top and maybe we will keep a few more people around Aroostook County. I am also glad that he identified it as a local issue, because I certainly feel it is not a party issue, even though the attack has been led from the corner chair.

I just wanted to make one small observation, and that is that this legislature has consistently opposed extending the low income tax credit on the federal tax to the low income citizens of Maine of the State tax because we can't afford it. I wonder if we can't afford that how we can afford this sort of thing.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: Just to jog my memory, I would like to have our madam Clerk read the committee report on this.

Thereupon, the Report was read by the Clerk.

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

Mr. HAMBLÉN: Mr. Speaker, Ladies

and Gentlemen of the House: The gentleman from Eagle Lake referred to this bill as a loophole. I think that is just what it is and I hope that we can keep it closed.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to oppose this on a little different view. I have had a bill in twice to try to have the federal government collect the personal income taxes in the State of Maine. The Management and Cost Survey Report and the Governor supported that theory this last time, and I have made the argument many times that the more changes we make in the Maine State income tax law, the more difficult it will become to ever get them in tune and get the one collection working. And even if that doesn't materialize, every change that you make that is different than federal, it is always going to be the problem of the education of the public as to these laws and the duplicate record keeping to support this in contrast to the federal tax returns.

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 today we would vote to recede and concur with the Senate on this bill. I think that this business we are talking about, low tax credits for low income people has nothing to do with this bill. I have always been of the feeling that the more we can do within reason for industry, the better chance we have of attracting new industry to Maine.

When industry comes in and they have to invest in pollution control facilities, this is nothing that they are going to gain anything back on as far as return. This is actually a direct expense to the industry that is involved. I really believe that if we were to give them a little something, maybe they would go even further in their investment and pollution control facilities to have clean air or clean water than to meet the bare minimum that is imposed now. I think this would be an incentive to the industry.

Without any new industry coming into the State, I just don't know where we are going to find money in the future sessions to fund the programs, because industry does provide jobs, and to me, industry is not a dirty word.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the Taxation Committee. We heard this to quite an extent and we voted unanimously to pass it. I hope we would recede and concur this afternoon.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA Berry, G. W.; Berube, Briggs, Carrier, Carter, Conley, Cottrell, Crommett, Curran, Dam, Dow, Drigotas, Dunleavy, Emery, D. F.; Evans, Farnham, Faucher, Ferris, Finemore, Fraser, Gahagan, Huber, Kelley, R. P.; LaCharite, LeBlanc, MacLeod, Martin, Maxwell, McKernan, McMahon, McTeague, Merrill, Morin, V.; Morton, Mulkern, O'Brien, Palmer, Pontbriand, Rolde, Silverman, Smith, D. M.; Susi, Theriault, Trumbull, Tyndale, White.

NAY — Albert, Ault, Baker, Berry, P. P.; Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bustin, Cameron, Carey, Chick, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cressey, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dyar, Farley, Farrington, Fecteau, Flynn, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Hoffses, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Knight, LaPointe, Lawry, Lewis, E.; Lewis, J.; Lynch, Maddox, Mahany, McCormick, McHenry, McNally, Mills, Morin, L.; Murchison, Murray, Najarian, Norris, Parks, Peterson, Pratt, Ricker, Rollins, Ross, Shaw, Simpson, L. E.; Smith, S.; Snowe, Sproul, Stillings, Strout, Tierney, Trask, Twitchell, Walker, Webber,

Wheeler, Whitzell, Willard, Wood, M. E.; The Speaker.

ABSENT Bunker, Dudley, Dunn, Herrick, Immonen, Littlefield, Perkins, Santoro, Sheltra, Shute, Soulas, Talbot, Tanguay.

Yes, 46; No, 91; Absent, 13.

The SPEAKER: Forty-six having voted in the affirmative and ninety-one in the negative, with thirteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Hamblen of Gorham, the House voted to adhere.

Non-Concurrent Matter

Resolve Permitting the County of Kennebec to Expend Money for Public Ambulance Service (H. P. 2037) (L. D. 2572) which was passed to be engrossed in the House as amended by Senate Amendment "B" (S-418) on March 21.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "B" (S-418) and Senate Amendment "C" (S-424) in non-concurrence.

In the House: On motion of Mr. Brown of Augusta, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Creating the Maine Consumer Credit Code" (H. P. 2043) (L. D. 2582) which was passed to be engrossed in the House as amended by House Amendment "A" (H-777), House Amendment "B" (H-778), House Amendment "C" (H-779), House Amendment "E" (H-784), House Amendment "G" (H-786) on March 21.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by House Amendment "B" (H-778), House Amendment "C" (H-779), House Amendment "E" (H-784), House Amendment "G" (H-786) in non-concurrence.

In the House:

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

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

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

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: I have no intention of fighting the motion to recede and concur. In fact, I will vote for it. But for the record only, the other body killed the only amendment that was beneficial to the consumer.

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.

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

Order Out of Order

Mr. Ross of Bath presented the following Order and moved its passage:

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

WHEREAS, the trustees of the University of Maine have by their vote recognized as having a legal organization a group of homosexual individuals known as the Wilde Stein Club; and

WHEREAS, the said trustees have by their vote further authorized this group of homosexual individuals to hold meetings on the campuses of the University of Maine; and

WHEREAS, there is pending before the 106th Legislature House Amendment "D" to Senate Paper 951, L. D. 2602, An Act Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1975 and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government; a copy of the amendment and bill is attached hereto; and

WHEREAS, serious questions as to the constitutionality of the provisions of the above-cited amendment to the legislative document relating to funds for the University of Maine have arisen based upon the aforementioned actions

of the trustees of the University of Maine; and

WHEREAS, it is important that the Legislature be informed as to the answers to the important and serious constitutional questions hereinbefore raised; now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House of Representatives, according to the provisions of the Constitution on its behalf, Article VI, Section 3, their opinion on the following questions, to wit:

Question 1. Would it be a violation of the Constitution of Maine, Article I, Section 15 for the Legislature to enact the above-cited amendment which provides "This appropriation shall be contingent upon the University of Maine Board of Trustees reversing their decision to allow the Wilde Stein Club to use university facilities for their symposium April 19, 20 and 21?"

Question 2. Would it be a violation of the First Amendment to the Constitution of the United States for the Legislature to enact the above-cited amendment which provides "This appropriation shall be contingent upon the University of Maine Board of Trustees reversing their decision to allow the Wilde Stein Club to use university facilities for their symposium on April 19, 20 and 21?"

The Order was received out of order and read.

Thereupon, on motion of Mr. Ross of Bath, the Order was withdrawn.

Passed to Be Engrossed

Bill "An Act Relating to Review, Reports and Proposed Amendments of the Maine State Retirement System" (S. P. 944) (L. D. 2590) (S. "A" S-421)

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

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

Mr. BIRT: I move we reconsider our action whereby Senate Amendment "A" was adopted, and I would speak briefly to that motion.

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

House reconsider its action whereby Senate Amendment "A" was adopted.

The gentleman may proceed.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This Senate Amendment "A" takes out of L. D. 2590 the Committee on Veterans Affairs and requires that the entire report be submitted to the legislature as well as the council. I think there is one other change that I would oppose, and actually I have almost a concurrent amendment. The bill calls for the report to be submitted by the actuary. The actuary is the contractual person or contractual firm that is hired by the Retirement Committee and the executive director. It was the feeling of some of the people who were involved in the operation of the Retirement System that the report should come from the executive director of the Retirement System rather than from the actuary.

This could be done either one of two ways. We could continue with it and leave Senate Amendment "A" on and also adopt House Amendment "A" which would have some additional language, or we could indefinitely postpone this Senate Amendment "A" and put House Amendment "A" on. It seems to me the more clean way to do it if we could indefinitely postpone Senate Amendment "A" and then adopt House Amendment "A" if the additional language is in agreement with the House.

Thereupon, the House reconsidered its action whereby Senate Amendment "A" was adopted.

On motion of Mr. Birt of East Millinocket, Senate Amendment "A" was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-794) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I have no objection to the change being put in, but it was the feeling of the Veterans and Retirement Committee that the

proposed change as outlined in 2590, the board shall obtain an evaluation of the proposed amendment from the actuary and from the director of Personnel to aid the trustees in arriving at their conclusions. My feeling, and I am sure the feeling of other members of the Retirement Committee, is that two or three minds quite often are better than one in arriving at a solution.

We have no objection. If it doesn't work out, we can change it later, or someone can change it.

Thereupon, House Amendment "A" was adopted.

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

Bill, "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1975, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government" (S. P. 951) (L. D. 2602)

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I have an amendment which I wish to offer to this bill, but I think perhaps before I offer it I would like to explain that there was no disagreement, no substantial disagreement. In other words, everything was harmonious within the ranks of the Appropriations Committee. They knew when this bill came out that I was going to offer this amendment. I was hoping Representative Norris might have an opportunity to say something on this before I offered my amendment, but if he doesn't concur with what I am saying, he can say so.

Thereupon, Mr. Bragdon of Perham offered House Amendment "A" and moved its adoption.

House Amendment "D" (H-799) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

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

like to speak — I was going to say very briefly to this amendment. This is a very simple amendment and probably needs no explanation. In the first paragraph, it deducts from the University of Maine appropriation in the Part I Budget \$1 million and re-appropriates this in the second paragraph under certain specified conditions, namely that the Trustees of the University of Maine reverse their decision allowing the Wilde-Stein Club, so-called, to use University facilities for their proposed symposium to be held on April 19, 20 and 21.

This Amendment is just as simple as that. It takes away one million dollars in one paragraph and restores it in the next under the conditions mentioned. I feel that the Trustees might easily explain to the Wilde-Stein Club that in the light of the apparent disapproval on the part of a substantial number of good, sincere Maine citizens who are truly interested in seeing their University continue to make the same kind of progress it has in the past, and who sincerely feel this decision they make with regard to allowing the facilities of the University to be used by this club, this decision jeopardizes the financing of the Institution and places it in a poor light in the views of many, many citizens.

Just yesterday, I was informed by an alumnus who solicits class dues for his class. He advised me that last year at this time he had 70 percent of his quota in. This year at the same date he has 20 percent. This is ominous. I further note that Herb Fowles referred to this the other day as the "Million dollar question."

Obviously, ladies and gentlemen of the House, whether we like it or not, the debate for the next few minutes at least will revolve around the merits or the demerits of this thing called homosexuality. I see that the Bangor News has stated that everything possible that could be said for or against the subject has already been gone over and over again, and as far as they are concerned, they are all done accepting letters to the news. In other words, they are saying it is a closed book. I hope they will not decide to eliminate "Orphan Annie" and "Dear Abby", else I would

not have any reason to buy their paper.

I had previously thought of using some of the hundreds of letters which have appeared over the last few weeks but I have now decided not to do so. However, there was a sentiment expressed in two of the letters that I read that I feel I must call to your attention, at least in context. One writer, in speaking for the merits of this theme, put forward the idea that if men loved men we might have avoided all of the wars and dissension that have beset the world over the centuries. What he failed to say was, if men loved men exclusively, we would soon cease to hear the patter of little feet or the sound of childish laughter.

Another writer put this same theme in a different way. He extolled at length on the merits of homosexuality and the rights of the individual to do his thing in his own way. In his final summation, he injected a little humor in his remarks and came up substantially with the same idea in about these words: "For those who disagree with me, I feel that there may be a silver lining in the cloud which they envision; namely, that these people obviously cannot reproduce themselves."

I know some of my friends here will suggest that this is a crude and punitive way to approach this problem, savoring even of blackmail. I must remind them that if they feel this way they must look on the methods used by laboring men and labor unions as blackmail also. When the coal miner sees the conditions he is working under are unsafe to him and his fellow workers, or the pay they are receiving is not sufficient to properly take care of his family, he appears to the board of directors of the company he is working for to do something to correct these wrongs. If they adamantly refuse to do something about it, he resorts to the strike method, the only tool he has left. If you call the coal miners' methods blackmail, then perhaps I would have to consider whether the method I am proposing here is blackmail also. My analysis does not convince me that either one even approaches the area of blackmail. I see great similarities between our problem and the hypothetical case I have mentioned.

I have on one occasion expressed my

views to Dr. McNeil that the Trustees had made a very serious blunder in approving permission for this group to hold their meeting on the University property. It could prove, in my opinion, to be one of the most unpopular things they have ever done. I also pursued this further by requesting the President of the Presque Isle Branch of the University to again convey this message to Dr. McNeil and tell him that I felt that the reasonable and responsible way to solve this would be for the Trustees of the University of Maine to sit down with the Appropriations Committee and/or the Leadership of the Maine Legislature and attempt to resolve this in a sensible, man-to-man fashion. I understand that similar approaches to the University Trustees have been made by members of leadership. I also conveyed this same thought to Lucia Cormier, who is a member of the Board of Trustees, that she relay my thinking in this matter to the full Board. I hold Lucia and her opinions in very high regard. I have served several terms in the Maine Legislature with her, and in most matters coming before the legislature we were in pretty close accord.

It is very difficult for me to understand why the University Trustees made this decision in the first place. I suppose we are going to be told that there are court decisions that made it impossible in their opinion for them to do otherwise. However, I call your attention to the fact that when this same matter came up in our neighboring state of New Hampshire, it was brought out that scores of conservative citizens deluged Governor Thompson's office with letters of outraged protest. In Manchester, Union Leader's publisher, William Loeb, launched a virulent front page campaign against the gay students. And when a federal court ruled, in response to a civil suit, that the University must grant the GSO all of the rights of other campus organizations, Loeb advised the Trustees to fight the gay students all of the way to the Supreme Court. To support his position, Loeb published an editorial on the District of Columbia court decision banning a homosexual group there as a "bawdy and disorderly house". I point out that this action does

indicate that while there have been court decisions against banning this thing, there are also some decisions taking an entirely different point of view.

I assume that the Trustees decision was influenced substantially by this decision. In talking with Chancellor McNeil, he admitted very clearly to me that the Board of Trustees would welcome bringing this to a court decision. I don't know whether he was thinking in terms of a decision by the Maine court or he was thinking, as did Editor Loeb, that the thing should be taken all of the way to the Supreme Court. Whichever action he was advocating, it seems to me that if you agree with me here today and accept this amendment, this can be looked upon as a decision of this court — the Court of the Maine Legislature, and I look upon legislative decisions here in Maine, as well as in other states, as being the highest court of the land. It is the voice of the people. I am against giving respectability to what I am sure most of us look upon as a filthy, unnecessary practice, which is contrary to the laws of the State of Maine and the laws of God, and all the laws of common sense.

For the life of me I cannot understand how the Trustees arrived at this decision. It seems to me if they are sincere in wanting a Supreme Court or other decision, we have given them the best reason in the world if we here today enact this amendment expressing our displeasure, along with all of the expressions of displeasure from all over Maine. In this decision we have given them the best possible reason in the world to go back to the homosexuals who are requesting the opportunity to expound their views on the University of Maine campus before a group which presumably would include others from all over the length and breadth of the Eastern Seaboard. It seems to me that the Trustees could very logically do this if we decide against this here today. It seems they would have no other alternative in view of the loss of revenue and the strong opposition of the legislature but to tell these people they would have to cancel the permission they had been previously given to hold their meeting. The end result of this

would meet the objections of the legislature and would result in the University immediately having their money back so that other students would not in any sense be hurt.

Please, fellow legislators, consider this amendment very seriously. I hope you decide that it is in the best interest of all, and especially the University, that we use this tool to try to get them to change their decision. And in closing, let me again reiterate what I said the other day when we discussed the Part I Budget, that I am asking this because I am a sincere friend of the University.

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 agree with Representative Bragdon, but I do agree when he says that we did reach an accommodation in the appropriations committee and we agreed that the best way to do this, rather than divide the total budget, was to bring the budget out unanimous and then let him present his amendment. We never did take a vote in the committee on this question. It certainly is very controversial, I am not going to say any more right now other than I will move the indefinite postponement of this amendment and when the vote is taken, I would request the yeas and nays.

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

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you do indefinitely postpone this amendment today. I am ashamed, I am ashamed of what some people in the Legislature having acted the way upon this matter when it was really a question of freedom of speech. There are indications that the trustees would have kept the results that they did, if they hadn't o.k.'d this, if they hadn't gone to court. I also think the trustees showed bad judgment, however, in not going to court first. I am very ashamed of the newspapers for continually saying that we should stop talking about this, and then continually talking about this, is that I hope that after today that this amendment is indefinitely postponed

and that this whole matter is laid to rest forever upon the parts of everybody.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I do not support the opinions of the gentleman from Fryeburg, Mr. Trumbull. I do not wish this amendment to be laid to rest. If it is laid to rest, I predict that the subject will not now or perhaps ever, be laid to rest. But there are certain extenuating circumstances. The proposed amendment might appear to be blackmail. But I would like to give you just a brief history of what I understand the approval of the board of trustees stems from.

They did grant approval for area meeting of certain gay alliance groups. This is a national organization, not just a handful of people at the University of Maine. We have heard that several of the trustees did not wish to grant this approval but they were advised by their counsel that if they did not, the courts might rule that it would be unconstitutional under the first amendment to the United States Constitution. As you know, this is the cloak under which have hidden all sorts of strange bed fellows because of the leniency, permissiveness, and liberal tendencies of many of our courts. The order suggests that the trustees change their decision. It would be rather difficult for us to just ask them to do that without some backup material, so I have prepared an order, which I would present, which would do just that.

The board of trustees cannot request a Supreme Court for an official opinion. But we can. And we now have the vehicle with which to work, this proposed amendment. If the amendment should pass, and I hope it does, I disagree wholeheartedly with the press that says that those of us who are willing to stand out against something that we sincerely feel is a tendency toward breaking down the moral fiber of our society are in the minority ourselves.

I certainly disagree with that. There was much controversy to the Longley Report. I, personally, agreed with many items contained therein. At least, here was a group of businessmen sincere,

dedicated, and successfully tried in their fields. They were motivated by the best of intentions. And in their investigations, they uncovered one proven fact, which has bothered me over the years. That fact was that the trustees of the University of Maine were not accountable to the Legislature, not accountable to the Governor; not accountable to any commission; in fact, to no one but themselves. Prior to now, I have questioned their financial acumen many times. I now question one of their administrative decisions. As I mentioned before, I do consider this decision, not a decision of minorities, but a decision affecting the fiber of our entire society.

I stated, originally, two weeks ago, that there was nothing more dangerous than minority groups or vocal activists. I did not refer to race, color or creed. The next day I did mention certain other dissident groups who demand their rights even though they are a distinct minority. And since then the press, time and again, says this is just a voice of a few people crying in the wilderness against what they consider to be right. I consider it to be wrong. It is my voice that is crying in the wilderness over this. It will be crying in the wilderness for a long while.

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

MR. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: In the Armed Services if one person errs while in uniform generally the entire division shall be reprimanded and confined to quarters. In the Armed Services the law is very clear. If you are a homosexual you can receive all other but an honorable discharge. You can receive only a questionable discharge or a dishonorable discharge, Section 8, you can go down these lines.

When we are told here that this is a case of freedom of speech, Ladies and Gentlemen, this is not a freedom of speech, this is wanting a freedom of action. The Good Book tells you very plainly about homosexuals. They do not condone it. If we are going to have young men and women go to school today to come out to be clean, honest,

God-fearing people we must have cleanliness because that is next to Godliness. When I hear people stand up and say, that is their thing, lets let them do it. We had a person who murdered a young lady in my town. Why didn't we have a school so we could show them how it could be done? Show it so everyone could do it or not, then you were in the minority. We have got to have laws to protect the minority.

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

MR. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I want to go on record as agreeing with the gentleman from Perham, Mr. Bragdon. I don't think we are trying to disturb the education up there. I think this is just a stop-gap to slow them up a little bit to let them know that we are not in favor of what they are doing. I think the gentleman from Brewer was right when he said that he would like to get a roll call. I am glad that he did, so we will know where a lot of these people stand, especially the people on the outside, who are constantly right after us to see why we don't stop such a thing as that. They are paying taxes and that is State property, they can hold their conventions somewhere else without being on the college campus, I think. I don't see any reason why they couldn't. A lot of conventions are held in Bangor, Augusta, Portland, everywhere. But why pick on our State property, where the college is established. We have got a wonderful college up there and we have a lot of good people up there. I don't want to do anything that will harm the educational capabilities of any of them up there. So I feel as though this order is not too, too rough.

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

MR. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I will arise to support the indefinite postponement of this particular amendment.

First, I guess, that we talk about honesty or what have you, and as the good gentleman from Oakland just said. But I guess the mere fact that a group of ten or twelve that has been honest with

us and open with us and admitted just exactly what they are and what have you, I don't know as I am ready to condemn them for it today.

Secondly, I don't know, as a Legislator, I am about ready to stand here and blackmail the University of Maine trustees or in any other way. I think the decisions that they have to make are theirs; they have to live with them. If the alumni association at the University is withholding funds or plans to withhold funds for any particular reason, because of the decision of the Student Senate or the decision of the University of Maine trustees, then that should be answer enough to the trustees to the fact that they made a wrong decision.

It has been said that if this particular amendment gets on this bill, that an order would be introduced, which you have all had in front of you. But I would like to have you take a good look at the order, if you would please, I would like to have you take a look at the second page of it. The chapter says if there is a solemn occasion, which I seriously doubt if there is a solemn occasion, the Supreme Court, the Supreme Judicial Court, of the State of Maine is then going to be asked by this Legislature, two questions. One; would it be a violation of the Constitution of the State of Maine, Article I, Section 15, for the legislature to enact the above-cited amendment which provides, "This appropriation shall be contingent upon the University of Maine Board of Trustee reversing their decision to allow the Wilde Stein Club to use the University facilities for their symposium on April 19, 20 and 21." Ladies and gentlemen, I believe this body, if we want to enact that amendment and place it on the particular bill we have that full right to and I don't know as it is a solemn occasion.

Question two; would it be in violation of the first amendment to the Constitution of the United States for the legislature to enact the above cited amendment which provides "this appropriation shall be contingent upon the University of Maine Board of Trustees reversing their decision to allow the Wilde Stein Club to use

university facilities for their symposium on April 19, 29 and 21." I would answer in the same way that we have the right, I believe, to compose a sanction or if you want to call it a sanction or blackmail upon the trustees in order to get a million dollars.

We have sanctioned every day of the week, practically, by Congress that we must comply with certain things that we lose federal funds on different items. I believe every piece of legislation that we write, more or less that we put in to the legislation some type of a sanction or some type of a limitation. I, personally, would not want to see that order go to the court. I believe when we send solemn occasions to the courts for questions that they should definitely be a solemn occasion and one that could definitely have a constitutional bearing on the particular piece of legislation.

We have gone through this route once before on the Part I Budget. I am sure that the people in this State who are very conservative minded, and I don't know as I am the most liberal one in this State, are the well intended when they take a look at the University of Maine and a group that wants to hold an educational meeting at an educational institution. Probably in their minds they are wrong or the trustees are wrong. But I don't know but I would rather have them having their meeting there than I would have them down town, some motel or some other place.

It has been said that, in fact, I read a letter to the editor the other day, and in fact I think I received the same letter from the gentleman who made the comment for the sake of our children, the sake of our students. Well I am not a graduate of the university but I attended the university and I am sure that at the time I attended the university that there was probably some homosexuals on the campus just as there are now. I dare bet right here and now that had one of those homosexuals in any way interfered with or tried to molest or interfere with anybody else on the campus that chances are that the homosexual would have found himself or herself either seriously injured if not permanently or found dead somewhere. I feel that holds true right now. I had probably one of the

finest letters on this subject I have received and it happened to come from a young fellow who worked for me for about four years, five years, that is now a senior at the university and he was quite an athlete in my town and I think he laid it right out in a nice three page letter just about as open and frank as anybody could lay a subject out. He admitted to the knowledge of these people being on the campus and said, what is wrong with it. He said what is any different about them being on the campus and being able to use the facilities than myself being able to use the facilities. He said, "Larry, you were on the campus I wonder how many times when you were there you violated some of the laws of the campus", and he said, "These people are being willing open and honest with what they are trying to tell you and what they intend to do."

I would hope that this legislature would own up to its responsibility and I respect the opinion of what I consider to be the minority group that is against this particular group that is here within the legislature. But I would hope that the majority of us would honor up to our responsibilities, we would not withhold these funds and we would not pass this amendment today, and we would indefinitely postpone it and bury this thing for once and for all.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the order or the motion of the gentleman from Brewer, Mr. Norris, to indefinitely postpone this amendment.

It is rather difficult to speak against two men, the distinguished gentleman from Perham, Mr. Bragdon, and the gentleman from Bath, Mr. Ross, two men I have known for twenty years, known and respected. And when this is over I will still respect them even though I think they are doing something wrong.

Now, the word blackmail has been used, and I think, it has been used in the right sense. This is blackmail any way you want to describe it. If you want to retreat from the term blackmail, call it bribery. For if there are twenty people on the board of trustees at the University

of Maine, what this amendment does is offer each one of them \$50,000 if they will sell their vote and reverse their position. If the position they took, to me was all wrong, but I don't think they are going to reverse it and I don't think we should be offering them \$50,000 each to reverse their vote. I hope you will seriously consider this and forget the campus situation and debate this matter on the amendment alone.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion to indefinitely postpone this amendment.

I take very strong exception to the blackmail language. I don't see this as blackmail at all. We have many, many items in our budget that is contingent upon other funds, contingent upon other decisions. There is nothing blackmail about this in my mind at all. I believe this is a case of putting the ball in the other court, that is, the trustees of the university.

Now, you can pass orders until doomsday with no penalties involved and I don't think you will get much response from it. We had one of these previously and someone compared it to this. I think that makes it far different than this particular amendment because it didn't have any penalties involved in it.

I would certainly hope that the argument of the gentleman from Hampden, Mr. Farnham, could not possibly be correct, that this means \$5,000 to each member of the board of trustees. I would hope it has nothing to do even with any fees or expenses or anything else that they may collect. If he is true, then when we talk about the \$70 million I must believe we are giving them each \$2.5 million. I think that is a pretty ridiculous argument.

I agree with the gentleman from Fryeburg, Mr. Trumbull, when he said he was ashamed that they did not go to the court first. That is really all we are talking about here as a sequence of where the responsibility is. I know there are people who agree with it and who are on the other side and disapprove. It

seems to me that if the board of trustees had any feeling that they did not want this activity at the University of Maine they should have had the intestinal fortitude to stand up and be counted and say so, regardless of what the court is going to say.

There are decisions made every day in the week knowing that there may be court cases and that they may be overturned. I think it is a very weak argument. As a matter of fact, for two basic reasons, I think they should have made the decision on what they believe and not on the technical legal point of whether or not there was a violation of United States Constitution and perhaps some federal court would overturn them.

First of all, I think they could then stand up with their heads high and tell people that they voted the courage of their conviction.

Secondly, I think, if you back down from a court decision, and whether it is one round, three or four, the general public, if they are upset over this, they really don't know where to turn. I think they would clearly place the responsibility if they had made the decision according to their convictions. If the court wants to strike it down, well and good, I guess everyone would abide by it until action could be taken to perhaps change the courts around some. And I think that day may be coming in this country, too.

I think the public would know where they must turn and what action they must take. Leaving it dangling here, they do not know, they are blaming the trustees, yet we hear the trustees do not agree with the decision they made, that they did it because of advice of counsel, that legally they would be turned over.

Well, I wish that they had taken that step so that the people of Maine would have known where the responsibility was so they would know what they could have done about it. I hope you vote against the motion for indefinite postponement.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: The different opinions that have been

expressed today on the issue I think, all have one very good point in common. None of us have felt compelled to declare our masculinity or femininity or womanliness, as the case may be. I thank the assist on that, the good lady from Bath.

You know, seriously, we hear talk about blackmail strikes and what really is it. Is it a question of homosexuals? No, it isn't. I don't advocate homosexuality, pray God, I don't practice it and don't hope to. I violated what I said but maybe we need to get that out. I imagine that testimony could be given by 99 percent of the people here, and so what. I think it is bad for society, I think it is corrosive of society and it will ruin a society. But I don't think 15,000 or so students at the University of Maine are ruined by eight or ten or twenty or forty or eighty. If we don't like the trustees, if we think they are gutless, I don't, but if you think that, let us try to get at the trustees. We heard blackmail mentioned in the very candid talk of the gentleman from Perham, Mr. Bragdon. He said, no, it wasn't really blackmail he equated it to a strike by a labor organization. I consider that inaccurate and I will tell you why, because when you go on strike against an employer you withhold your labor from your organization. I consider that inaccurate and I will tell you why, because when you go on strike against an employer you withhold your labor from your employer, you try to hurt him economically so that he will meet your requests. This is not a strike, this is not action against the trustees, this is action against our kids that go or hope to go to that school. I feel rather strongly about this, although I am not fortunate enough to be a graduate of the University of Maine, because I got all my education at a public university supported by the taxpayers and by the legislative appropriation in Maine just as this one is. So, I don't think the issue is homosexuals or the trustees who I don't know they get expense money or some small salary, if they do let's cut that out, but let's take a million bucks away from the education of some kids, and don't kid yourself that is what you are doing if you vote that way today.

It has been suggested that we should

put the ball back in their court. But I don't know if we should play brinkmanship and see who chickens out first at whose expense ours, no. We don't lose or gain any money directly by what happens here and neither do the trustees. Who are the only potential losers in this tragic charade, by the way, not the homosexuals because if I judge that group with the professional homosexuals correctly they love all this pizazz we have been through.

It has given them plenty of press, apparently some of them feed on. I would hope that today it would be the end of the press. And I am not afraid to say that I don't advocate homosexuality, I don't care what the courts say. But neither am I afraid to say that I respect that a law-abiding society will go along with the court decision, although I dislike it and may resent it. So it is blackmail, in a sense, because it is not directly, the harm that we seek to impose, the millions of dollars worth of non-education on our kids. It is not directed toward the trustees, unless some of them might have some children that are students at the University. It is rather directed at those who have no power.

There has been talk about responsibility and about grabbing the ball and not being afraid. And it has been suggested that somehow the greatest thing is to stand tall and vote against the "queers" and then let the court take the rap. How responsible is that? I wonder if this fooling around with the courts and appeals for a year, I think I have heard mention, what about the kid that don't get educated during those years? Each of us come from towns, perhaps even the case of Portland, I know my town is about 16,000, and it has been said to me by one of the members in the past session from a smaller town, that I am a big city boy, and in a place like Brunswick, maybe I don't know the people. Maybe I don't, but I know a few of them and I know a lot of them that have children at the University as you do in your towns and I guess there are very few of them that are homosexuals or advocate it. When I go home I am going to tell them how I voted on this amendment. I think some of them will

agree with me, I think most of them will. I know that those with children there or kids in high school that hope to go there will. If they don't they can get somebody else to hold this job.

I support fervently the motion for indefinite postponement. I ask that this charade, and I challenge not the good faith of me and my fellow members, but the effect of it, how long is the only thing we are reading about the Maine Legislature and the University of Maine homosexuals and appropriations. Let's give it what it deserves. By the way, if we have a million dollars excess we can play with, I wonder if we are as tight financially as some people mentioned. Remember it is not a strike, it is the equivalent of blackmail because it is not directed against the trustees, it is directed against the kids. And the opposition to homosexuality is based, I think, on morals and concerns society and we all share in those things. But to tell me about the morals and the concern for society that will, in effect, deprive a certain number of Maine children of education and consider that in your vote today. Maybe a million dollars isn't that much, I don't know, I haven't figured the mathematics of how many children the education of which it will affect. I don't care if it is one, instead of a thousand or what, or a hundred. I don't want to do it and I doubt that this House does. I don't want this legislature and I know that you don't want it to be known as a place where we play games, perhaps, with the best of intentions. So, if someone wants to bring before this House a bill to repeal our statutes against homosexuality, we will all prove our normalcy and vote against, I will, and I am certain you will. Do not use the kids this way.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: The amendment before us clearly is an attempt to intimidate the board of trustees of the University of Maine. There is absolutely no correlation between the Wilde-Stein Club and the one million dollars in the university's budget that is trying to be cut. But, there is a definite contradiction between the proposed amendment offered by the

gentleman from Perham and the provisions of the Constitution of Maine and the United States which guarantee freedom of speech, freedom of assembly and equal protection under the laws. We all took a solemn oath to uphold those provisions when we assumed our offices. The Constitutions of our State and nation provide that, "No person shall be denied the equal protection under the laws." No exception is made for whether a person is a homosexual or a heterosexual. If this Legislature tries to make that exception, what will be the next exception? I think it would be most unfortunate if this House tries to intimidate the University by withholding money in the budget. What is the right of a minority? I think that is probably the crux of today's debate. Personally, I believe that the board of trustees at the University of Maine has obeyed the court decision and, after all, it is not the measure of freedom in a society, really, the ability of the states to tolerate the unpopular point of view, so long as that point of view does not violate its laws.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reply a little bit to the last two speakers.

The gentleman from Orono, Mr. Curtis, who says that the Constitution gives the right of assembly and the right of freedom of speech. I concur with this a hundred percent. This morning I talked with the Dean of the University of Maine in charge of student affairs. He tells me that at the meetings that he has attended, that something like 75 to 80 percent of the members of this club present, acknowledge publicly that they are homosexuals. I do not believe this is freedom of speech or freedom of assembly in any sense of the word. That is contrary to State law I cannot imagine people standing up and admitting that they broke into three camps, murdered someone, or any of the other major laws and nothing happening. There are plenty of cases where just plain confessions people are convicted under the laws.

I would like to answer Mr. McTeague, I see he is not in his chair, in response to

this going on for a year in court. Now, I think he made a very good point. And if that were to be the case, the students haven't been harmed one bit. The million dollars has been spent. Whether they take it to court or they do not, if the trustees care to change their decision, the million dollars is there. As a matter of fact, in this budget coming up for the upcoming year, the Legislature, 107th Legislature, will be back in session six months before that time is up and can do anything they want to in terms of the appropriations, even if they decided not to take this million dollars. They would have plenty of time to take care of the students. I think that argument is very, very weak, there would be ample opportunity for these to be taken care of. The students at the University and I can assure you for my part, and I think for anyone else that I know of, who has spoken here, that they feel the same way. They are certainly not against the university or they are not against the students that are attending the university.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would hope today that we would go along with the motion to indefinitely postpone this amendment. It has been mentioned the word blackmail, and in one sense this is directly what it is.

Now, the good Representative from Orono, Mr. Curtis, mentioned the oath of office that we took when we came here. The trustees of the University of Maine take the same oath of office to uphold the Constitution of the State and the laws of the land. Now, their counsel has advised them that they would not be doing this were they to take an opposition view on what they have taken. So in reality, if we pass this amendment, what we are asking the trustees to do, is to go back on the oath of office that they took when they assumed their office and to become hypocrites, and to violate the law. I don't think this is right.

Now, going back to my good friend, Mr. Bragdon from Perham, he said this was contrary to the Bible. Well, I am sure that it does speak against

homosexuals in the Bible. Because I have read that. But I have also read where it says, "Let he who is without sin, cast the first stone", "Judge Not lest Ye Be Judged" and, "all have sinned and come short of the glory of God." So I think those three things there outweigh the facts that Mr. Bragdon from Perham says in regard to the "gay" so-called people, in relation to the Bible.

I think if this was allowed to pass today, that in the succeeding sessions we might have bills coming in that might not require appropriations but they might go before the Taxation Committee in regards to exemptions on certain properties used by religious or fraternal or civic or literary or scientific organizations as they relate today. And there might be a majority of people in the next Legislature and the one after that, that might all of a sudden, decide that they don't like Methodists or they don't like Baptists or they don't like Seven Day Adventists or they don't like Catholics. So they take away the tax exempt status and put a burden on them and they say to the trustees or to the deacons, or whatever you want to call them in church, either you comply with our wishes and change your views on religion or we are going to take away your tax exemption status. This is what happened in Germany. It started out very innocently with small issues and they grew, and they grew, and they grew until finally the State controlled everything. I don't think anybody in the State of Maine wants that to happen here.

I have had calls, quite a few calls, saying that the people were opposed to this, I also have had quite a few saying they were not opposed. I did receive a lot of free-printed or mass-produced petitions. It is easy to go around and get signatures of mass-produced petitions. It is easy to get signatures on any petitions. It doesn't take any effort. One person, in two or three days, can pick up four to five thousand signatures without any effort on their part at all. I don't think this is the right approach today, to put an amendment out like this saying either you do our will or we will cut off your funds. If there were any other way to do this, and do it without making the

trustees of the University of Maine, back them into a corner, or putting them into a box, then I might go along with it. But I can't go along with this today, the way it is. And I would hope that you people will all support the motion to indefinitely postpone, then maybe, later on, we can do something else in a different way.

The SPEAKER: The Chair recognizes the Gentleman from Perham Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: I have listened with a great deal of interest to some of the remarks made here.

I would like to reply to the gentleman from Brunswick, Mr. McTeague, but I see he is not present. However, it is strange how two, honest thinking people, and I look upon myself as one, can arrive at such definitely different conclusions on the same thing. I certainly cannot agree with him that there is not a similarity between what we are doing, we'll say, and the tactics of labor unions that when they have exhausted all their efforts to induce the people they are working for to come to their terms.

He also says that this is directed against the children or the students at the University of Maine. I cannot buy that either. It is my opinion that it is directive to the trustees of the University of Maine, to reverse an unpopular decision which they have made. Certainly, I have made it completely clear that I do not wish to hurt anybody. I think what the trustees of the University of Maine are doing is hurting their college and all the students that are in the University of Maine and propose to go there in the future. I think it is going to take them years to get over the action that they have taken. I regret it.

With regard to my particular area, I want to inform you that I have 100 percent, I have resolutions from three town meetings in my area, giving complete endorsement, 100 percent endorsement to the efforts that I am attempting to make to stop this condemn play of homosexuals.

I guess there is one other thing I would like to say before I sit down. I would hope that the gentleman from Brunswick, Mr. McTeague, would agree with me, and if I am incorrect I am sure he or somebody

else will set me straight. I guess the point that I am making is that if we believe, as Legislators, that we should permit this thing to go on in the interest of free speech and people doing everything that they want to, I would suggest that the people who feel that way, that they give very, very, very serious consideration in the next session of the legislature, to legalizing under the laws of the State of Maine, this thing called homosexuality. Now, I can't understand how the trustees of the University of Maine or the members of this Legislature would endorse something which they patently say is definitely illegal under the laws of the State of Maine. I think we should legalize it if we are going to give it respectability.

I guess that is all I have got to say, Mr. Speaker. But I do feel very strongly about this. I did have one letter from a very respectable lady up in Presque Isle, which I must mention. This will be the only mention of any letter that I have got that I will mention. I guess I will read it. If it does reflect on the judgment of any Legislator, why you will have to forgive the good lady because she is over 90 years old. She was a former member of this House, a former member of the other Body, a civic worker all her life, highly respected civil worker, and of course, I speak of no one else but Augusta Christie, former Senator Augusta Christie from Presque Isle. She writes, "Dear Mr. Bragdon: I was very happy to read of your attitude regarding the possibility of establishing a Wilde-Stein Club at the University of Maine." Here is the thing that I fear you might take issue with but I would say that, in my opinion, we are all sound thinkers here. She said, "it is encouraging to know that we have some sound thinkers on Capital Hill and you are certainly one of them." I contend that we are all sound thinkers, although we do think in somewhat different ways. Well, I guess the rest of it I won't read, but the good lady has expressed her views and I appreciate them. As far as I am concerned, I am pretty sure, I won't put any percentages down, but it will be a pretty high percentage of the voters in my district that don't completely disapprove of the holding of this meeting.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I personally believe that this is nothing more than a form of blackmail. I would like to respond to the gentleman from Augusta, Mr. Sproul.

The gentleman from Augusta indicates that he doesn't believe it is blackmail. I would like, just for a moment, for him to consider one other thing which is in the budget. Many of the Legislators get these parking tickets in the City of Augusta, of which he happens to be the Mayor of this great city, which we happen to find ourselves located in. And the budget calls for a \$20,000 expenditure for a fire truck to be given to the City of Augusta. I wonder if the gentleman would feel it would be blackmail if we were to introduce an amendment to the appropriations act that would say, that the \$20,000 for the fire truck would not become available unless the City of Augusta agrees not to give us any more parking tickets.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: As I stand here this afternoon, I am very disturbed that this debate is even going on. But I want to make it abundantly clear to the gentleman from Perham, that I speak and vote, I am not endorsing the practice of homosexuality, that I am voting on the issues that the gentleman from Orono raised; freedom of speech, freedom of assembly and that sort of thing.

I also would like to address myself to the gentleman from Augusta, Mr. Sproul. And I submit that the laws of the State of Maine do say that certain acts by individuals, both homosexual and probably, heterosexual, certainly, are against the law and they are spelled out in the statutes. I did attempt to find something in reference to homosexuals in the statutes and the only word that I could find in the whole index starts with homo, is homogenized milk.

The University of Maine is a great institution, we have had it for well over a hundred years and I hate to hear it

continually run down and besmirched here on the floor of the House. The trustees are ordinary folks even as you and I. We charge them with the responsibility for prudent action. They were well advised of recent federal court decisions in New Hampshire, and I think they acted prudently. I think they showed great courage to vote for what was right, realizing that they might well be very severely criticized and misunderstood. I think they were also prudent in their sense of proportion, 13, 15, 25, 30, I don't know how many of these individuals are connected with this movement at the Orono Campus among a community of 9,000 students. For all practical purposes they were anonymous until they were given some slight publicity in the papers. That publicity was greatly enlarged by the actions of a minority of this body. Some days ago the gentleman from Eagle Lake described in detail how the Wilde-Stein Club attained official status in the established student organization, the Student Senate.

As I said to the gentleman from Perham the other day, that if you are so concerned, why not let them come out, as they say, then everyone will know who they are. Then you, and those on campus, whom you want to shun or avoid, can do so more easily.

I say this because I have great confidence in the young people in the State of Maine. The time they get to the university level, they have obtained a great deal of maturity. The only thing we don't seem to say, and we ought to remember it, is that they come from our homes, yours and mine, their attitudes, their backgrounds are well-established. I am not concerned that they are going to be fouled up by 25 or 30 people on the University who have a different persuasion. I don't think they are that easily influenced. I say these young people are great. I say they can handle the problems a great deal better than we are attempting to do here. I say that this attempt to control or blackmail, or however else you want to speak of the university trustees, is the action of a vocal, activist minority in this House. And as such, this is dangerous.

Therefore, I say, ladies and gentlemen

of the House, this is an abominable amendment as is the order that it is purported to accompany. I want no part of it. I hope you will indefinitely postpone.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: As I predicted, the term blackmail has now been used over and over again.

The order that I would suggest to go along with this amendment says that if they change their opinion, they can only do so if the court says they are on constitutional grounds. We are willing to stand by the court decision and not the decision of just the Legislature or the trustees themselves. This is an explosive, majority, situation that we face and not just a minority of people in this House. Certainly there has always been homosexuality in nearly every facet of our society from time immemorial. The only difference is, until recently, they did not flaunt their beliefs, which, in my opinion, are certainly not natural, for the eyes of all to see. Right now these young men and women demand their rights. Evidently, they are ashamed of them, though, because when they were questioned by the press, only one was willing to give their name.

The gentleman from Brunswick, Mr. McTeague, says he is willing to go along with the courts. But we cannot go along with the courts unless we have specific legislation which is referred to the courts, and this would so be. It has been stated that we take away the rights of 15,000 to chastize about 50. In my opinion, that is just emotional fodder and not facts.

The gentleman from Brunswick, Mr. McTeague, also said that the people, who had their sons and daughters in the school don't want them to bear the brunt of this lowering educational standards by the million dollar cut. Those who I have talked to who have young men and young women in the University of Maine now, don't like what is going on there, right now they don't.

Then the gentleman from Orono, Mr. Curtis, said that we were trying to intimidate the trustees, and he further

mentioned equal protection under the law. Certainly, that is our constitutional provision. But we have reached a point in my opinion now, where the rights of minority are infringing everyday on the rights of the majorities. I personally don't appreciate that situation.

The gentleman from Skowhegan, Mr. Dam, said we are asking the trustees to go against their constitutional obligations and that it is constitutional to so do, then we, the Legislature, would like for you to do just that for the benefit of the citizens of our State and country.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: Assuming that this amendment were to pass; and assuming that the courts were to say that it would not be unconstitutional for the trustees to change their minds; and assuming that the trustees decide that they had made a decision and that they would not change their minds, we would then be affecting 10,000 students on the University of Maine campus. I, therefore, hope that this amendment be indefinitely postponed.

Mr. Berry of Buxton moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and obviously more than one third of the members present having expressed a desire for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now. This is debatable with a time limit of five minutes by any one member.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have never been one since I have been

here to move the question or even support it when that motion was made. I think perhaps there are others who want to speak this afternoon, either for or against the amendment, that is their prerogative. But to move the question now I think would be improper.

The SPEAKER: All those in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken

43 having voted in the affirmative and 30 having voted in the negative, the main question was ordered.

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

Mr. KELLEHER: Mr. Speaker, a point of parliamentary inquiry, please. I notice there were only 73 people who voted. What does it take to have a quorum in the House.

The SPEAKER: The Chair would answer 76, the Chair believes a quorum is present in the House.

The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that House Amendment "D" be indefinitely postponed. 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 motion of the gentleman from Brewer, Mr. Norris, that House Amendment "D" be indefinitely postponed All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, P. P.; Berube, Bither, Boudreau, Briggs, Bustin, Carter, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Faucher, Flynn, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Huber, Hunter, Jackson, Jacques, Jalbert, Kelleher, Kelley,

Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Lynch, MacLeod, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morin, V.; Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Palmer, Peterson, Pontbriand, Pratt, Rolde, Rollins, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Stillings, Susi, Theriault, Tierney, Trumbull, Tyndale, Walker, Wheeler, White, Whitzell, Wood, M. E.; The Speaker.

NAY—Berry, G. W.; Binnette, Birt, Bragdon, Brawn, Cameron, Carey, Carrier, Churchill, Donaghy, Dudley, Dyar, Fecteau, Ferris, Finemore, Fraser, Gauthier, Good, Hoffses, Kauffman, Lewis, E.; Littlefield, Maddox, McCormick, Morin, L.; Murchison, Parks, Ricker, Ross, Shaw, Silverman, Sproul, Strout, Tanguay Trask, Twitchell, Webber, Willard.

ABSENT — Brown, Bunker, Crommett, Dunn, Evans, Farrington, Herrick, Immonen, McNally, Perkins, Santoro, Sheltra, Soulas, Talbot.

Yes, 98; No, 38; Absent, 14.

The SPEAKER: Ninety-eight having voted in the affirmative and thirty-eight in the negative, with fourteen being absent, the motion to indefinitely postpone does prevail.

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

House Amendment "B" (H-796) was read by the Clerk.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to increase from \$100,000 to \$250,000 for that part of the supplemental Part II budget relating to recreation financial assistance to the municipal recreation fund.

As some of you know, the purpose of this particular state-aid program for recreation is to help communities with the cost of the local recreation projects by the State assuming up to one-quarter or more and the federal government paying one half by matching equally the two quarters. The objective of this State-assistance program is to stimulate the development of more local outdoor

recreation facilities with local maintenance and supervision.

Furthermore, I would like to point out that I think that the Appropriations Committee, in their wisdom, and some of us members in the House overlooked the fact that this particular program which was funded in the 105th to the tune of about \$150,000 was cut back. I recognize the fact that the Governor in his call only included \$100,000. However, the department, when they made their appearance before the Appropriations Committee in public hearing requested \$400,000. I think what this amendment does is put back into shape to some extent this particular program. Again, I point out that this is a program, a financial program that would help develop recreational facilities at the local level. I think it is an important program. I think it has been overlooked. I think in light of the fact that a lot of our State Parks are becoming increasingly overcrowded and oftentimes our own citizens of the State of Maine who paid for these State Parks through bond issues and are continuing to pay for them are denied access or reservations to these State Parks.

Furthermore, in light of the fact that we do have an energy crisis, so-called, the need for developing and to continue development of local-based recreational facilities is very, very important. So I hope the amendment is adopted.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: After sitting for a long silence, since 2:35, I think I will rise to oppose a flood of amendments, and I can assure you that I am not attacking or not necessarily speaking now just on the amendment as presented by the fine young man from Portland, Mr. LaPointe, who I supported in the Appropriations room on a personal matter that he wanted as well as some other projects that were very dear to him as well as to others and as well to myself.

I think the time has come now to give you, Mr. Speaker and members of the House, an honest and true evaluation of just where we are, where we will be and where we are financially.

I think first I would like to ask your indulgence to talk to you about where we are headed. I would like first to touch upon the estimated requirements of the next legislative session. The educational subsidies alone, and I am now speaking of what I talk all the time, the word that I use — keep the store open. I am talking now about the Current Services Budget, not that my remarks are so important as all that, but if you would ask those in the back to be quiet — I know I violate the law myself, I would be happy because I am a little short of breath.

The SPEAKER: Would those behind the glass kindly keep their conversations down, and if you don't, we are going to ask you to move out into the corridor.

Mr. JALBERT: I say that, Mr. Speaker, because I think this is extremely important to all of the membership of the House. It is extremely important, regardless of the individual who is making the remarks, to listen.

Just to keep the store open — 1994 is going to cost us \$57 million for the next biennium. That is not including the legal 5 per cent that we have never abided by, and that is not included in the amounts we know we are going to be faced with when we do come back here.

The estimated cost of living will be in the area of \$80 million. This would total to \$137 million.

To date, we have appropriated \$582 million in the 106th Legislature. The estimated Current Services Budget, thereby adding \$137 million and \$582 million, will be the unbelievable sum of \$719 million. I say unbelievable because I was a \$30 a week flunky in 1933 in the front office, my pay coming from the Highway Department at \$30 a week and the annual budget was \$9 million. And I am not that old.

The estimated funding available — that is the undedicated revenue, if the HEP Report holds up — I am talking now about the HEP Report, if it holds up and to be frank about it, it has been holding up, outside of the month of February — I am afraid, however, that by the time we reach the areas of October or November, the combination of inflation and recession that we are going through now might very well, unfortunately, wind up in a recession,

and if it does, we are in real, serious trouble. But if they did hold up, it would mean \$678 million that we could anticipate, having the \$28 million of revenue sharing, and there are those who have asked why we have gone down from \$42 million to \$28 million. It is very simple to explain. The \$42 million was for three years, and presently we are now back on a two-year basis. And bear in mind that this will end the revenue sharing programming, at least according to what Washington says. Bear also in mind that according to the 106th Legislature, that the second year of the biennium we will need an extra \$15 million to cover our tracks as far as the tax on inventories is concerned. That is not included in the picture, that at the very, very least, the extremely low figure stands at a \$41 million shortage.

Going back to this present programming here, we have now available \$10,100,000. L. D. 2602 has, as it has presently come before us from the other body, has a price tag on it of \$7,800,000. The Appropriations Table in the other body now reads \$1,883,547. Incidentally, if any one would want these figures from me, I would be delighted to have them reproduced or get them together somehow in my own way so that you can have it.

The bill for the elderly, which is not yet on the table, but is certain of passage, has a price tag on it of \$500,000 which makes a total of \$2,383,547.

Now the large bills on the table are the mileage increase of \$240,000, the exemption of machinery and equipment from the sales tax of \$540,000 and the legislative pay and allowance of \$400,976, which makes a total of \$1,180,976. Of course, adding to this is the elderly bill of \$500,000, which means that the large bills numbering four, total \$1,680,976. Besides that, we have flying around any where between five hundred and eight hundred thousand dollars, which is still in transit between this branch and the other body. Besides that, we have \$600,000 of smaller items which are presently on the table on the Senate Appropriations Table outside of the larger amounts of measures that I have stated to you.

In plain language, we have come pretty well to the end of the road.

Without amending L.D. 2602, in whatever shape or manner, it behooves me that the exemption of machinery and equipment from the sales tax or the legislative pay and allowance will have to go by the boards. It is as simple as that. I am no way chastising anybody. I am certainly not stating about the fine young man from Portland, but the fact of the matter is that we are not only already broke, but we are running somewhere close to the red pencil.

I give you these comments because I know there is going to be an avalanche of amendments that are going to be presented before this body, and I thought I would give you the little bit of the knowledge that I have and some of the figures that I gathered, and they are factual. I have checked them in three or four areas for your benefit.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Although I am not on the Appropriations Committee, I have always been extremely interested in finance, so I jotted down some of the figures that the gentleman from Lewiston, Mr. Jalbert, mentioned, and I have two questions. He has a total of \$719 million in current services. In that total, Mr. Jalbert, do you have an amount for catastrophic illness and also education for exceptional children, because both of those are very large items?

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to the gentleman from Lewiston, Mr. Jalbert, who may wish to answer if he wishes. The Chair recognizes that gentleman.

Mr. JALBERT: Speaker, Ladies and Gentlemen of the House: Neither item, I have not given you either of the items. Of course, you must bear in mind that the catastrophic illness measure presently has taxation attached to it, and the only reason it is on the table is because of that give-away to the tobacco dealers of \$45,000 or \$50,000 which takes away revenue. Outside of that, it would now be nestled on the Governor's desk. The exceptional children is not that much of an amount but in any event, whichever amount it is, it is not on that table. It is within the \$600,000 other than the four other large items that I gave.

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

Mr. NORRIS: Mr. Speaker, I would ask for a division on this amendment, and I think that Representative Jalbert has gone into it. It certainly is a worthy cause but honestly, ladies and gentlemen, we just don't have the money. It is just as simple as that. We just don't have the money to do it.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Brewer, Mr. Norris. How much is the Appropriations Committee allowing for L. D.'s. If we haven't got the money, there are a lot of L. D.'s, I think I counted 38 of them on the Appropriations Table in the Senate, just how much is the Appropriations Committee going to allow for the L.D.'s that are sitting over there?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to Mr. Norris of Brewer, who may answer if he wishes. The Chair recognizes that gentleman.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: The figure, and Mr. Jalbert has been handling this, but the amount of money available will be \$2.3 million, and you have \$2.9 million of L.D.'s. The good gentleman from Lewiston has just been through it. We are talking about such things as tax relief for the elderly, and such matters as that, and of course, it is up to the wisdom of this House, but we don't have money to do everything and believe me, we have spent many hours trying to work this thing out on an equitable basis. There was one time we weren't going to have any money for this particular thing, but we have come up with \$100,000 and we thought that that would be certainly enough until the next session of the legislature. I hope this answers the gentleman's question.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think probably the gentleman from Bangor, if

I could continue on Mr. Norris' fine explanation, he is right. As I have stated, we have \$2,300,000, plus the \$500,000 on the Table, \$1,883,000 is now on the Table over there, minus the \$500,000 for the elderly. So, if you tie those two figures up together, \$1,883,000 and the \$500,000, that goes over the \$2,300,000 that we have for L.D.'s. That is besides the four items that I gave you that are covered in that. Besides that we have another \$600,000 in smaller items within the L.D.'s. Besides that, we have between five and eight hundred thousand dollars that is flying around here and I don't know whether they are going to go or whether they are not. If they do go, we are going to start using wampum. I know I am not going to go for taxes.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I think my concern on this particular amendment is based on the assumption that we do have appropriations to Parks and Recreations to buy land or pay off bond issues, buying land, subrecreational areas for the out-of-staters to come in here and enjoy themselves. We are also appropriating money to the Department of Commerce and Industry to influence people to visit the State of Maine. And what this amendment is asking is recreational areas within our own small towns and communities to have places where our young people can take advantage of basketball, baseball, swimming and so forth, and these small towns are asking the State of Maine to hand them over one or two thousand dollars, in some cases, ten or fifteen thousand dollars.

I think when we get into the Mental Health and Corrections, you will find much money in there for rehabilitation. I am wondering here today if the extra \$150,000 if spent wisely at local level, giving our young people recreation in their home towns, if we will have to rehabilitate so many of these young people in the future, as they have had nothing to do at home.

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

Mr. DAM: Mr. Speaker, Ladies and

Gentlemen of the House: I have sat and listened to my friend from Lewiston, Mr. Jalbert, explain the problems we are going to have, and I would not in any way question his ability as far as the financial aspects of the State goes, because I am sure that he has served long enough on the Appropriations Committee and he has been here long enough to have a real good idea of what is going to happen in the future as far as the State is concerned.

I have a concern for this amendment that has been offered by the gentleman from Portland, Mr. LaPointe. I believe it is a good amendment. It is only asking, again, of course I say only, and only because of the size of the budget, \$150,000 increase in the appropriations.

Now this bill as passed previously, many of the towns have submitted proposals to the department for various projects. A lot of these projects have been approved contingent on whether or not they have the money to fund them. The same municipalities and many of the smaller municipalities over the State and some of the larger cities have money in their budgets to use to match the State money and the 50 percent federal that would be coming in. I believe if we are going to hold down to a \$100,000, there may be some committee, and I don't know which one other than the Appropriations Committee, might take a good look at the Department of Parks and Recreation. Since they don't have the money to run this part of the program, maybe they wouldn't need two or three employees, and we could save a little money there. But since we do have the employees over there, and I was over last Friday, I would hope that we would go along and pass this amendment so that we can say to the municipalities that we are going to at least fund in part the projects that have been approved.

If my memory serves me anywhere nearly correct, the projects that they have submitted total roughly \$400,000. So they wouldn't all be approved. They would have to be approved by priority. And a while back, each member of this House had a several-page printout given to them of projects in their communities that had been submitted for approval. I think going along with what the

gentleman from Strong, Mr. Dyar has said, that it might be better for some of these small towns to have the recreation on the local level and maybe then we wouldn't have to worry about so much rehabilitation or so much crime of a petty nature in the community, because this would give the younger people something to do.

In my town, we raised \$21,000 for recreation, and we have a recreation center that we found as well as an outdoor swimming program. But we too are on that list asking, along with many of the municipalities, asking for help from the State to fund other outdoor recreational projects. I think it is a good amendment; it is not asking for the full \$400,000 that would be needed, and I am sure the Department of Parks and Recreation would assign priorities to those proposals that have been submitted. I would hope we would pass this today.

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

A vote of the House was taken.

Thereupon, Mr. Jalbert of Lewiston 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 and Members of the House: I am not going to stand up here all afternoon, and if need be, into the early part of the evening, because I hope that by the time we get through, these amendments will all have gone through, and that is why I wanted the extra half hour, because I was hungry and I was sick and tired of peanut butter nabs and water, I wanted a meal. I knew what the afternoon was

going to bring. But I am not going to stand up here and get all bloody.

The fact of the matter is, we do not have the money. If the gentleman from Portland, Mr. LaPointe, and the other gentlemen want to put in these amendments, then we will have to draft some amendments to cut down SSI, attempt to cut down AFDC, cut down some of those other amendments, and make no mistake about that.

What you do is your business. I am not going to sit here and keep batting my head against the wall and get all bloody, because this is a pretty good garment, and I would like and it is paid for. I am just going to lay it right smack on the line. As the gentleman from Brewer said, we do not have the money!

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Having spent some years on the Appropriations Committee and realizing the problems of financing and having quite an interest in this area, I would have to completely agree with the comments of the gentleman from Lewiston, Mr. Jalbert. We do have a serious problem with financing. Some of these amendments I would enjoy seeing myself. I think if there were one that might have a high priority with me, it would be this one. I know there has been a great deal of work put on this particular bill over a long — they have worked hard on this. I have been watching it along to see the bill work its way out, and I feel that we would make a severe mistake and we might jeopardize some other programs that are much more important to us if we start to adopt some of these amendments. I would hope that you would vote this one down.

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

ROLL CALL

YEA — Berry, G. W.; Boudreau, Bustin, Carey, Chonko, Clark, Conley, Dam, Dyar, Faucher, Finemore,

Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jacques, Kelleher, LaPointe, Lawry, MacLeod, Morin, L.; Murray, Najarian, O'Brien, Peterson, Pontbriand, Rolde, Shute, Smith, S.; Tierney, Wheeler, Whitzell.

NAY — Albert, Ault, Baker, Berry, P. P.; Berube, Birt, Bither, Bragdon, Brawn, Briggs, Cameron, Carrier, Carter, Chick, Churchill, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Dow, Dirgotas, Dudley, Dunleavy, Emery, D. F.; Farley, Farnham, Farrington, Fecteau, Ferris, Gahagan, Garsoe, Gauthier, Genest, Good, Hamblen, Hancock, Hoffses, Huber, Hunter, Jackson, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, V.; Morton, Mulkern, Murchison, Norris, Palmer, Parks, Rollins, Ross, Shaw, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Sproul, Stillings, Strout, Susi, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Binnette, Brown, Bunker, Connolly, Donaghy, Dunn, Evans, Flynn, Herrick, Immonen, Littlefield, Perkins, Pratt, Ricker, Santoro, Sheltra, Soulas, Talbot, Tanguay, Theriault.

Yes, 33; No, 97; Absent, 20.

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

Mr. Farnham of Hampden offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-795) was read by the Clerk.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: The amendment which I have offered calls for two additional employees for the State Personnel Department. Initially the request of the Appropriations Committee called for eight additional

employees and the Department was granted four additional employees. However, four additional employees will not even scratch the surface of the problem they have over there. Due to federal regulations on discrimination, et cetera, all of their examinations that they give must be reviewed and rewritten. They are faced with a backlog of thousands of complaints or requests from employees for reclassification.

The Appropriations Committee did grant them four employees, one of these employees is what is to be termed an "Affirmation Action Officer" and his or her primary job will be attempting to eliminate discrimination by sex, color and creed among State employees or in hiring of State employees. The other is a labor management specialist, and I know you all are aware that there is a labor relations bill on its way through this body. I feel it will pass. And it is going to greatly, in the long run, complicate the relations between the State employees and the various State departments, and one labor management specialist will never be able to handle the job alone.

The other two positions are for clerk-typists. What is needed is two people who can go into the department and start working on the backlog of reclassification requests that have been made. There are so many of them in there that last October they actually put a freeze on these so no reclassification requests have been considered since that time.

Now without doubt, many of these requests are frivolous, but others are very serious and should be acted on, and when you let a bonafide request remain unanswered, what you do is cause confusion among the work force and discontent.

So the additional two people calls for increasing the present appropriation of \$33,119 to \$20,000. I hope you will go along with it, and I know that — I look at the board. I heard the very distinguished Representative from Lewiston, Mr. Jalbert speak, and I realize, having been here a little while, that when Louie Jalbert speaks about the appropriations and the State's financial condition, he knows what he is talking about. I have

always been a little bit suspicious of the gentleman. I don't think he should be named Jalbert, I think his name really should be Sandy MacTavish, because he is uncanny with his figures and with his predictions.

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: As the good gentleman from Hampden, Mr. Farnham, said, we have increased this department by four positions with \$33,119 and \$3,300 in all other, and \$2,000 in capital expenditures. Again, in trying to fit the garment according to the cloth, we have done this all the way through, I would ask for a division on the gentleman's motion and I hope we will be able to defeat it. There isn't any more money now than there was five minutes ago.

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

A vote of the House was taken.

11 having voted in the affirmative and 94 having voted in the negative, the motion did not prevail.

Mr. Goodwin of South Berwick offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-802) was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise with great trepidation for this order, being one of the largest of these orders, that we are trying to pass the Part II budget. I would like to explain a little bit and maybe you can see in your hearts and your pocketbooks to pass this.

This amendment will provide an additional \$320,000 to expand the University of Maine's two year associate degree programs. This expansion will be based on a concept developed by the York County Community College which is presently operating in Sanford and

Biddeford. This model, in one year of operation, has proved immensely popular and successful with the people in York County.

The original university budget included funds for this expansion but were cut out by the Appropriations Committee. The original proposal, as this one does, proposes to expand the York County Community College into the southern section of the county as well as establish new centers in towns such as Brunswick, Portland, the Lakes Region, from the parent campus of Portland-Gorham, and in addition could also be used to expand present two year programs at other campuses, such as University of Maine in Augusta, which could expand into cities such as Lewiston, Waterville and Skowhegan.

The figure in this amendment of 200 new students, I found out since I wrote it up on Friday, is quite low. After checking into the costs of each new counseling set up for these two year programs I found that the figures should be closer to the 400 to 500 new students.

Each new two-year program or program center costs approximately forty to fifty thousand dollars to operate. That includes counseling staff and financial aid for adults. Depending on how much the trustees put into financial aid this amendment could set up six to seven new centers.

As I stated before, these centers would be based on the model established by the York County Community College in Biddeford and Sanford. At present, just to give you an example of how this works, Biddeford and Sanford have a total full time equivalent and enrollment of 400 students, the average age of these students is 29. This isn't your typical college student. These are people that are working in the community and want to work to increase their knowledge in their employment benefits.

An example of how the two-year program can benefit an area can be seen in the increase in university enrollments from York County residents. In the fall of 1972 York County had 1,700 enrolled in the university system. In the fall of 1973 after York County Community College opened their doors we had over two thousand enrolled, an increase of

over 300 students. About 17 percent of the total enrollment from York County. This increase is one of the highest in the State in regards to each county. I think it goes to show that people in the various areas will use these programs. So I hope you support this program.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think I don't have to waste too much time to say that the good University of Maine can take this out of the \$35 million bananas we are giving them.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I think it is something that has been kind of bothering me so I would just like to get it out of my system. I think that if we can find over a million dollars this year to spray spruce budworms, I think we can find a couple hundred thousand to educate people in the State of Maine.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I wouldn't answer other than this thing here; the money we fund for spruce budworm is what allows us eventually to be able to give \$35 million or \$70 million for the biennium for the University of Maine. That is just lesson number one for the young man from South Berwick for the day.

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

A vote of the House was taken.

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

Mr. Dyar of Strong offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-807) was ready by the Clerk.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I present this amendment with no apologies to the gentleman from Lewiston, Mr. Jalbert, because I feel that the budget presented by the Department of Mental Health and Corrections could have been cut back to the point that the personnel at the Men's Correctional Center at South Windham could have received a pay increase. Now, this department pours money down the drain as fast as you can make it. Just a few weeks ago here the gentleman from Augusta, Mr. Sproul, offered an amendment to the Part I budget to reduce it \$200,000. I think the Longley Commission explained in their findings that they could have been cut by a half a million dollars.

A little history on the State employees in the State institutions. They all at one time were on a 48 hour work week. Through the process we eliminated institution after institution but we left the Men's Correctional Center in a bind. I believe in the last session we took the Maine State Prison and put them on a 48 hour work week or possibly two sessions ago. We took the Men's Correctional Center at the same time and put them on a 44 hour work week and gave them fifty cents a week pay increase.

Now, what we are asking here is a pay increase for 56 State employees who are being discriminated against. Out of the 10,000 State employees, plus, I believe we have 56 who are not on a 40 hour work week, excluding those who are salaried employees. Now, this very same department can take employees and give them ten days off to cool their thoughts and compose themselves, I am talking about employees who are making thirty-five and forty thousand dollars a year. But yet this department can not see fit to take care of men who we call guards at the Maine Correctional Center at South Windham. Now, these people are doing a job working with these people day in and day out, at a very low wage to begin with. Yet we see no problem whatsoever with paying psychologists, sociologists and so forth thirty and forty thousand dollars a year to spend a half a day a week in these same institutions.

So, I say here today there has been excused by certain members of the

Appropriations Committee there is no money. But I feel that if the Appropriations Committee has set their priority within this one department, these people would have been taken care of and this amendment wouldn't have been necessary today. So I feel this is a good amendment, it should be considered, because the department will never, never take the money that they do have available in their budget to make this pay increase. And I say they do have the money. They waste more money in six months on surveys and sending classified people to college and keeping the salary at the same time than this bill would cost us probably three or four years. So I hope this afternoon that we will pass one amendment to the supplemental budget to have 56 people working on the same basis, the same hourly set up, that the other 10,000 State employees now enjoy.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It is difficult for me to rise and oppose this because it is a worthy cause. As you have been told, we in the Appropriations Committee have considered many of these items and we tried to set out priorities accordingly. Many of us on the Appropriations Committee felt that the best way to deal with this problem was very possibly through collective bargaining, because there are many departments that work a different type of a week. For example, you have in the Highway Department programs during the summer where you have to complete those programs during the sunlight hours. And you just can't say well, 40 hours for those people. And the same thing applies to many other departments. The best way to get out of this situation would be, in my opinion, very definitely through collective bargaining. And, therefore, I would hope that you would not support adoption of this amendment. Furthermore, the full price tag for this item is not \$200,000 as it appears on the bill, but would be \$400,000 for a year or \$800,000 for a biennium.

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

Mr. DYAR: Mr. Speaker and Members of the House: I am a little disappointed in some of the statements that have been made by the gentleman from Winslow, Mr. Carter.

I think if he checks he will find that the State employees he is referring to work a 40 hour week. If they work over 40 hours they are entitled to overtime. I agree that this would take effect January 1, 1975. But here again, as I have stated twice previously this afternoon, we have 56 employees that are being discriminated against.

I am also shocked when he would imply that the people at the Men's Correctional Center would possibly have to go on strike or a slow down to show this legislature and the department that they are being discriminated against. I think the route of arbitration can be considered. But the route of arbitration is also a costly route. So I would, hopefully, again, request that you vote favorably on House Amendment G.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I have been watching this budget very closely as most of you have, and I think that this Amendment G is about the best one of the whole bunch of them that has been before us. I think it is for a very worthy cause. And the fact is that the allotment that is asked here might be for people to take over when the work week is done, the 40 hours. I think that is very necessary in today's working period. Most people today work 40 hours and I think these people in the corrections department are under great strain, they are under great trial, they are under great personal attacks, and they just can't do anything about it because even the State won't back them.

I submit to you the people, the guards and the administration, in these corrections buildings do deserve some consideration on this angle. And I think the people of this State and the legislature today, if anything else, if we are going — I can suggest to you many places where the budget can be cut off, and it isn't as necessary to have it in there as it is in here. I think this is a good

amendment, and I hope that you see within your conscience today to provide the facilities and the tools and the pay that these people deserve trying to keep law and order in this State. I do hope that you vote in favor of the amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Strong, Mr. Dyar, that House Amendment "G" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Norris of Brewer 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 Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I can't help but concur that this is a very worthy thing. Of course, I don't want to use the old cliché about it being a special session and this not being a special session item, because undoubtedly when we come back here, those of us that do and if we do in the next session, are going to be faced with a tax increase; I see no way around it. After I listened to the good gentleman from Lewiston, Mr. Jalbert, I think we would all concur.

This is a fairly expensive item, and it builds in, as Mr. Travis said, because it covers the short period and then you double up for the biennium, so we are talking considerable money and there are other departments in the Department of Transportation, for instance, to go on this type of thing that would require several million dollars. So if we are going to get into this today, and again I concur with the feelings of the gentleman from Strong, Mr. Dyar, it is just a question of not having the money.

If you take this money, you will realign your whole program, and I don't know whether this is more important than the tax relief for the elderly and some other very important items.

So I would hope that you would hold firm with this. I know it is hard. It was hard in the beginning to try and make priorities, but I hope you will hold firm with this and vote this amendment down.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I rise in support of the last statement that was made by the gentleman from Brewer, Mr. Norris. My reason is this: I also realize that there are certain problems that we would like to solve. I realize that there is \$200,000 budgeted here.

The State Government Committee is in the process of making a rather detailed study of personnel problems that exist in the State, include discrepancies between wages and hours and working conditions throughout the various departments of the State. We found as we have gotten into it, it is much more complicated and there are many more discriminations that we can solve with amendments to the Part II appropriations bill. We plan to come back to the next regular session with a report from our Committee which will detail some of these difficulties and solve them at that time.

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

ROLL CALL

YEA — Baker, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Brawn, Bustin, Carey, Carrier, Chick, Chonko, Churchill, Clark, Connolly, Crommett, Deshaies, Dow, Drigotas, Dyar, Farley, Farrington, Faucher, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Jacques, Kauffman, Kelleher, Kelley, R. P.; Kilroy, Knight, LaPointe, Lewis, E.; Lewis, J.; Littlefield, Maddox, Mahany, McCormick, McTeague, Mills, Morin, L.; Morton, Mulkern, Murchison, Murray, Palmer, Peterson, Pontbriand, Rollins, Shute, Simpson, L. E.; Strout, Trumbull, Twitchell, Tyndale, White, Whitzell, Wood, M. E.

NAY — Ault, Berry, G. W.; Birt, Bragdon, Brown, Bunker, Cameron, Carter, Conley, Cooney, Cote, Cottrell,

Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Dunleavy, Emery, D. F.; Farnham, Finemore, Fraser, Gahagan, Garsoe, Hancock, Hobbins, Hoffses, Huber, Hunter, Jackson, Jalbert, Kelley, Keyte, LaCharite, Lawry, LeBlanc, Lynch, MacLeod, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, Merrill, Morin, V.; Najarian, Norris, O'Brien, Parks, Rolde, Shaw, Silverman, Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Susi, Tierney, Trask, Walker, Webber, Wheeler, Willard, The Speaker.

ABSENT — Albert, Briggs, Donaghy, Dudley, Dunn, Evans, Fecteau, Ferris, Flynn, Gauthier, Herrick, Immonen, Perkins, Pratt, Ricker, Ross, Santoro, Sheltra, Soulas, Talbot, Tanguay, Theriault.

Yes, 62; No, 66; Absent, 22.

The SPEAKER: Sixty-two having voted in the affirmative and sixty-six in the negative, with twenty-two being absent, the motion does not prevail.

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

House Amendment "H" (H-809) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: If you have had an opportunity to look at House Amendment "H" under filing number H-809, you will find that this amendment is the only one that reduces the appropriation act and may be a first today. I would like to very briefly tell you why.

Basically, the amendment does two things. One, it removes from the Department of Mental Health and Corrections the five people given to them in the Probation and Parole Division for \$40,000 and replaces it instead with continued funding of the New Services Coordination Agency under the Executive Department.

A number of people have indicated that we do need additional parole officers, and I quite agree. But I will point out that we have given, during the last session, according to the budget document, some 18 additional personnel

in that particular Bureau to take care of that particular problem. This particular amendment will add or will continue funding of the New Services Coordination Agency in the Executive Department that has been going on for some time.

Some people have indicated that this can be done by a LEAA grant that is presently being suggested to the tune of \$500,000 that will be forthcoming from the federal government. We have been told that we can be promised \$250,000. All this money would be for planners, and this money would be for one year, at which time, after the one-year period is over, these funds would terminate, and the State of Maine would be expected to pick up the continuation of 10 personnel to be inserted into this particular department, that is the Department of Mental Health and Corrections. These 10 people would be around for the planning purposes only. After one year, we would have to assume these 10 people. Basically, the New Services Coordination Agency would provide for what is presently being done, and I would just like for a moment to try to relate to you some of the things that have been done.

We have worked with people in Washington County; we have worked with people in Aroostook, the sheriff's office, for example, and they have created a New Services Bureau in Aroostook County for the county itself. York County is presently participating in the same program. Lincoln and Sagadahoc are at the present time developing a New Services Bureau under the auspices of the Executive Department.

One of the things which I happen to believe strongly in is the fact that this particular Bureau does one thing. It does something prior to the time that they go to court. And basically what it does is it tries to work with youth prior to the time that they find themselves in the court room. I think this is important, because the more probation and parole officers that we create, we get to the students after the fact and not before. And the purpose of this particular bureau or agency is to try to get them before they get there.

These people have been working with the schools in the various communities, and for that matter with the judges, and I think it is important that we do it in that fashion rather than vice versa. Obviously the judgment that you have and the impression that you have will be important and have a bearing on the decision of this amendment, but I do think it is important that we try to resolve this problem in this fashion. I would ask you to adopt this particular amendment.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: Maybe I missed the gentleman's first part of this, but I would like to know why the transfer into the Executive Department rather than where it is now.

The SPEAKER: The gentleman from Standish, Mr. Simpson, poses a question through the Chair to the gentleman from Eagle Lake, Mr. Martin, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Basically this supplemental recommendation that is found in Part II for the coordinator and probation and parole was something that appeared in the Part II budget for the first time at the recommendation of the Department of Mental Health and Corrections. It provided in that original request for one coordinator, 12 probation and parole officers and 5 clerk-stenographers, 2 positions, and related expenses within the Department of Mental Health and Corrections. There was also a request in the same budget for the continuation of the New Services Coordinated Agency, which is already and has been in the Executive Department. This would be a continuation of the funding of that existing department rather than the structuring of a new department or new division within Mental Health and Corrections. In effect, what this does, my amendment would do, it would allow the existing agency to continue rather than creating a new additional expense within the Department of Mental Health and Corrections.

I might also point out that the State

Government Committee has, in fact, been working on this, and they have already developed and indicated to the Mental Health and Corrections Department that they are not going to pass out a bill dealing with the New Services Division, which would have been created under the Department of Mental Health and Corrections.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess I appreciate the comments the gentleman from Eagle Lake gave us, but I am not convinced yet that maybe we should start to put this type of thing in the Executive Department. I think if we are going to deal with new services, especially the way that he outlined them to us, I believe personally that the place for them is right in the Department of Mental Health and Corrections, and I would move the indefinite postponement of the amendment.

The other department looks like Grand Central Station now, and I think things are all right as they are.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out that what is happening here is an existing agency, which has been existing for a number of years, is being terminated and the same functions are being given to the Department of Mental Health and Corrections, but more money is being given to them to perform the same functions. As the gentleman from Eagle Lake said, here is a chance for you to save some money, and I urge you to do so.

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

Mr. BUSTIN: Mr. Speaker, Ladies and gentlemen of the House: For the benefit of Mr. Simpson and Mr. Jalbert, the point is that these people are now doing the work. It is in the Executive Department right now. The appropriations bill takes it out; Mr. Martin's amendment puts it back in. so if you like things the way they are going right now, you will adopt Mr. Martin's amendment.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: For the benefit of the good gentleman from Augusta, Mr. Bustin, I think I can read the bill real well, and I don't like the way things are going right now. I think the Appropriations Committee was very wise in its wisdom and we definitely should indefinitely postpone this amendment.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly, the thing that is trying to be done here, of course, is to keep an agency going that was funded federally and the funds have dried up. It was in the budget, and certainly it probably is worthwhile, but it is one of these things that is on a priority basis, and we just didn't have the money. It was one of these programs that the federal government funded and the funds have dried up.

They told us that they needed four additional probation officers in the Department of Probation and Parole, which we are willing to go along with. They also stated that there were several agencies working on this truancy problem, one of the agencies, of course, being this agency that we are trying to re-fund in the Executive Department, but there were several of these agencies, several different outfits that were doing this and they needed a coordinator, someone to coordinate this. Then I understand that the State Government Committee has referred it to the 107th. They are going to study it, and then at that time, if we can come up with the proper type of legislation and fund it in the 107th, then we can move along.

The problem here is that they wanted four additional probation and parole officers — that is the way it is written in the law, that is what they would be, probation officers to assist. And apparently, from what we can determine, the department is again short-suited and then in our priorities we figured that they should have these four people. The youth coordinator, and it is

clearly stated what he is, is to coordinate these programs. I would hope that you would go along with the motion to indefinitely postpone this amendment, and I am sure that after the study is made that we can take this up in the 107th Legislature as far as these people up in the Executive Department.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't fully understand the reasoning of the gentleman from Brewer, Mr. Norris. The agency in the Executive Department is doing the work now. The State Government Committee is referring the matter to the next legislature and recommending thorough study. Why, then, does the gentleman from Brewer want to eliminate the agency, in effect, and transfer this to the Mental Health and Corrections? If that is not putting the cart before the horse, I don't know what is.

The other thing that is really ridiculous about this whole matter is that the New Services Division is supposed to help young people before they need probation officers. It is to keep people out of trouble.

I hope you will reject the motion to indefinitely postpone and adopt Mr. Martin's amendment.

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

Mr. NORRIS: Mr. Speaker and Members of the House: Just briefly, to answer the question, I didn't realize that this group in the Executive Division were parole officers either, nor have I said that they were. I said that the Department needed four additional probation officers, and that is what we gave them, no more and no less, and we gave them one youth coordinator. If you don't like the youth coordinator, if you don't want it in here, by all means take it out. But the four positions, and it is written in the act itself, they are probation officers, and that is exactly what we intended to fund. We didn't have money enough to fund the other thing. As essential as it may be, we didn't feel we had the money, and that is the reason that we did what we did.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: This may be a peculiar thing to find me in on one of the Governor's bills, but this is one of the things that I heartily concur with as far as this in-services. I think it is far better to help our youth before they have to go to a probation officer than afterwards. And we have found a fine example of this work down in Washington County. We had a good deal of trouble with vandalism, stolen cars, even arson, and the youth services have come down there and helped us through the Rural Youth Corps and this sort of thing, and I would hope that you would go along with this amendment, because it is far better that these people are helped before they get in trouble rather than afterward, and it is far cheaper. It is better for their parents to keep them than to be kept in some institution. It is far better for these people themselves. So please override this ruling or whatever you want to call it of the finding of the Appropriations Committee, because this is a service that is working and has worked, and it is for our youth.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I had no intention of getting involved in this one, but let me try to clarify this thing a bit.

I think we are talking about two different things here. The amendment offered by Representative Martin wants to set up a pre-juvenile prevention program, and the one that we have in the budget deals with youngsters, for example, like chronic truants that would come before the courts, and at the present moment we all know that the courts are loaded. And since we passed the law last year doing away with the juvenile sentencing that was not considered an adult crime, we have in effect created a severe problem with chronic truancy. I know in my area it is very prevalent, I think it is prevalent all over the State. The courts feel they have no weapon to prevent this type of thing from occurring and it is growing and it is really growing by leaps and bounds.

We in Appropriations felt that with a coordinator of this type, at least the courts could be informed of the other alternatives available and also work with these three other groups that are working on this thing.

I would hope that you would go along with the motion to indefinitely postpone.

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

Mr. DYAR: Mr. Speaker and Members of the House: I am a little bit confused here after the last couple hours on the consistency of this body. We turned down an amendment to fund recreational facilities for young people to keep them out of trouble. We turned down an amendment to pay the corrections officers at the Men's Correctional Center more money when these kids do get in trouble. Now we want money for probation officers to guide their futures after they get in trouble. If my memory serves me correct, we gave our judges a pay increase in the regular session and again this session. The Superior Court accounts in all our counties show big increases where we had to process more young people getting in trouble.

So I am just wondering what we are doing here this afternoon, and possibly we aren't wasting our time this late date in the session. Possibly we should have had more debate on some of the legislation that has come before us earlier in this session. Again, I am very confused by some of the statements made by the members of the Appropriations Committee. They are talking about alignment of the budget. If we pass these amendments we have got to put the budget back in alignment. I would suggest in the future that possibly more time be put into the budget and the alignment made within the departments prior to the budget coming on the floor of the House.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I am a little confused by this amendment myself. I would call your attention to the first part which says for Youth Services Coordination Agency, personal services — four individuals involved at \$23,651;

all other, \$4,811. Evidently they don't think they are going to be able to take care of all this with \$23,000. Then we get down and we find in this same amendment, probation and parole with five people under personal services, the five people being for \$40,000 and all other, \$685. This provides for one new youth coordinator, and evidently after they get in trouble and four additional probation officers.

What I was speaking in favor of, and perhaps we will want to table this and break this apart, but I certainly am in favor of the Youth Services Coordination Agency which has been doing such a fine job and Mr. Martin will want to explain.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I would like to explain the amendment. First of all, the first portion puts in the New Services Coordination Agency into the budget. The second portion of the amendment removes from Mental Health and Corrections those five people. That is done basically with an attempt to balance the budget, because I know very well that there is no money hanging. As a matter of fact, if this amendment is adopted, there will be about \$15,000 left over. That is the reason why it is done in this fashion. I do think also I might want to point out that the Department of Mental Health and Corrections, as far as probation and parole officers are concerned, in 1973, they had 52 people. We upped it to 56, and if you will look at the supplemental budget, they were asking for 12 additional probation officers to create a juvenile section within the Bureau of Corrections. The Appropriations Committee, in their Part II budget, put in this figure of 5, which I am removing from the budget if this amendment is adopted.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think probably I can dispel some of the confusion. The amendment and the price tag calls for Youth Services Coordination Agency — personal services, four individuals. It

provides for a director, two field coordinators I don't know what these are, and a secretary-bookkeeper and related costs. Now it says this agency has been operating on the Law Enforcement Planning and Assistance grant, working with juvenile delinquents and prevention programs. What we are doing here is starting a new state program that had been deleted from federally funded programming. What we were doing on page 8 of 2602 is giving — it provides for personal services giving five new probation officers and along with it their related expenses.

The fact of the matter is, then, after this, you are transferring the already established program of probation officers and probation, if you may, from the Mental Health and Corrections, and believe me, my love for the Mental Health Department is not one that goes on every day. What you are really doing is adding another state program. And you are putting it into the Executive. What the appropriations bill does on page 8 is add one youth coordinator and four probation officers, and that is what is needed in the department — probation officers. The workload in that department, from what I was told, and incidentally, any member of the Appropriations Committee will tell you that I was very much against this right up to the time that it was thoroughly explained to me how much of a workload that the probation and parole officer under Mental Health and Corrections had, and consequently I broke down and went along with this. This is far better than this setting up of the new program within the Executive Department. In all honesty, who in heaven's name ever heard of having a probation office in the Executive Department? Maybe it happens in other states. If it does, I would like to have somebody get up and tell me where it does.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I would like to backtrack, because I think somehow we have managed — we, I mean all of us maybe — those as proponents and opponents of the amendment managed

to confuse everyone in the House.

First of all, the program, Youth Services Coordination Agency, has been in existence for two and one half years — two and one half years. For those two and one half years, it has been funded under the LEAA program. As a matter of fact, it was funded six months longer than most of the other LEAA programs around the country because of the rating it received by the national LEAA board.

Second, it is not an attempt to put probation and parole officers into the Executive Department at all, because of course this would be a big mistake, and this is not the way it is at all.

Either way you look at it, you are appropriating a program that is going to be continuing, and I don't dispute that. It is very simply this way. If you believe that you want to put in a Youth Services Program to help the youth before they end up in court, if that is the case, then you vote for the amendment. If you believe that we ought to take care of them after they end up in court with probation officers, then vote against the amendment, and I think the decision is really that clearcut. Either way, I want you to keep in mind that we have a program that is going to be continuing, and we are starting a program with State funds.

Mr. Donaghy of Lubec was granted permission to speak a third time.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I would thank you especially because I must apologize. I was in such a hurry that I hadn't had time to read this amendment. If I had, I wouldn't have confused you quite so much. What Mr. Martin has told you, the gentleman from Eagle Lake, is quite accurate. This has nothing to do really with the probation office. Actually they are trying to cut down on probation officers. If you will read your amendment, filing number H-809, it says, "striking out all the following," which was \$40,000. In other words, we are trying to put roughly \$28,000 into youth before they get into trouble at a savings of roughly \$41,000 after they may have gotten in trouble.

I appreciate you listening to me. I hope you will also vote against the motion to indefinitely postpone this, because we want and need these youth services

before people get in trouble so that they won't have to go over into the mental health and corrections field. It has been set up and is working under the Governor's office. I don't see any need of changing it simply because it happens to be a gubernatorial year.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Reference has been made in the debate on this issue that LEAA funds have been cut. I have here in my hand a report, Washington Report for State Legislators, which gives the President's '75 budget proposal, and nowhere on this sheet does it show that LEAA funds are being cut. As a matter of fact, they are being increased.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Winslow that LEAA funds have not been cut by the President's budget to Congress. However, LEAA funds, when they were originally made, and grants are made normally on a two-year basis, what I indicated to you the last time I spoke was that Maine was one of those in relationship to the Services Bureau that got not two years, but actually got six months longer than that because of the rating it achieved in this particular Division. That is basically what transpired. In other words, all of the LEAA, except staffing themselves for the LEAA Review and Planning Commission are terminal grants, very much like the grant that operated the Law Enforcement Academy in Waterville and some of the others that we have gotten ourselves involved in.

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

A vote of the House was taken.

Thereupon, Mr. Kelleher of Bangor 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 Standish, Mr. Simpson, that House Amendment "H" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Carter, Chick, Churchill, Cressey, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Dyar, Emery, D. F.; Farnham, Farrington, Finemore, Garsoe, Hamblen, Hoffses, Hunter, Jackson, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McMahon, McNally, Morton, Murchison, Norris, Parks, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Susi, Trask, Walker, Willard, The Speaker.

NAY — Berry, P. P.; Boudreau, Briggs, Bustin, Carrier, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Dam, Donaghy, Drigotas, Dunleavy, Farley, Faucher, Fraser, Gahagan, Genest, Good, Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Kauffman, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McKernan, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Palmer, Peterson, Pontbriand, Rolde, Smith, D. M.; Smith, S.; Tierney, Trumbull, Twitchell, Tyndale, Webber, Whitzell, Wood, M. E.

ABSENT — Albert, Cote, Dow, Dudley, Dunn, Evans, Fecteau, Ferris, Flynn, Gauthier, Goodwin, H.; Herrick, Immonen, Jacques, McCormick, Perkins, Pratt, Ricker, Ross, Santoro, Sheltra, Soulas, Talbot, Tanguay, Theriault, Wheeler, White.

Yes, 61; No, 62; Absent, 27.

The SPEAKER: Sixty-one having voted in the affirmative and sixty-two in the negative, with twenty-seven being absent, the motion does not prevail.

Thereupon, House Amendment "H" was adopted.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a question, if I may, of you, Mr. Speaker, if we are to continue on all of these amendments until we engross this bill so we —

The SPEAKER: The motion now in order would be engrossment unless there are any other motions to be made at this time.

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

House Amendment "F" (H-806) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This Amendment "F" appropriates an additional \$100,000 to the student tuition equalization program. At the present time, there are 350 students in the State of Maine at the post-secondary level attending college who are beneficiaries of this tuition equalization program. If we enact this amendment, it would increase that number to about 500. The average payment to each student would be approximately \$800. The amendment refers to an increase to \$900, which is the maximum payable to any one student.

I would like to draw a great comparison between this method of meeting the post-secondary educational needs of our Maine students with subsidizing our State University system. Between the capital construction costs and the operational subsidies in the State University system, it costs us about \$2,500 per year to send our children to the University system. I would hope that you would understand that we are not in a situation where we have met all of our post-secondary educational needs of Maine students. Either we are going to have to do more in our University system, or otherwise take care of the post-secondary needs of our students. This is another provision.

This upcoming year, the average per pupil cost for board, room and tuition in private schools is going to be something over \$4,000. So I wouldn't want you to get

the impression that this average \$800 subsidy will be paying the freight for these students. It will amount to about a 20 per cent subsidy. Obviously, many of these students will take out loans from their banks and other loan programs and what not to further subsidize their education.

People sometimes say, with some justification, that there are too many colleges already, that some of these colleges will certainly fail and that we shouldn't feel the responsibility to save them all. And I want you to rest assured that this very meager effort of a total program of around \$500,000 against \$30-odd million to our University certainly isn't going to assure the survival of our private schools. No matter how much of an effort we make, many of them certainly will fail. But I think we are acting in self interest to keep some of them alive in order to avoid the great cost that we will incur if we attempt to meet all of our educational needs with the University system.

I feel that it would be a sad mistake for us to stand by and watch — I think there are some 13 private schools — a large number of them go down the sluice when comparatively so little money would help keep them going and at the same time be meeting the educational needs of our students.

This item was debated considerable in the Appropriations Committee. It was a very controversial item and there was considerable discussion about it as to what level. It was the feeling of those who were proposing this increase that we just couldn't survive with a level like this; yet all of us make our accommodations, and I hope you can support this here today.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to bring to you some economic factors of the private colleges in the State of Maine.

Total expenditures this year by these colleges and their students, total approximately \$35,865,000. Total economic impact on the State's economy is conservatively estimated at

\$108,000,000. Some 5400 jobs not related to private, higher education are supported by the expenditures of these colleges and the dissented jobs directly provided by the colleges. These eleven colleges spent in 1972, over \$3,219,000 for direct student aid in order to provide the quality of opportunity to young people from Maine and our surrounding states. In the same year, 1972, six colleges spent \$1,741,994 on students from Maine alone. In spite of these expenditures, these eleven colleges have experienced a decline of 27½ percent in Maine students since 1971, so that the current Maine enrollment stands at 2,126. These colleges have educational facilities worth over \$100,000,000, not to mention the rich libraries and other invaluable cultural and educational resources. At the same time, this fall, these colleges had physical space to accommodate additional 2,500 students without adding classrooms and dormitory spaces.

I think all this leads me to suggest to you that the State has a very real interest in higher education and certainly provides a factor in economy that we cannot ignore. I hope you will pass this amendment.

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

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: I certainly support this amendment. I had originally planned to ask for protection down here but now I see that half of the crowd has gone anyway. I am quite encouraged by the last amendment that we just passed.

So, I hope you will continue to pass amendments and go along with this one. This is the only means, the only methods, that we have ever had in the State of Maine, the only one we have now to in any way equalize the tuition between the private and the public colleges. If I could show you people, try to prove to you people, that I know a way you can generate over a \$100,000, would you pass this bill tonight? Well, I can do it. The only trouble is that it is a bill that we tabled and coming up tomorrow. But it includes three programs, and on those three programs, one of them is not using \$5,000 for administration. The other one is not using \$73,000 for administration

and also has a backlog, a carryover of \$63,000, which makes, as I add it up, a total of \$141,000. Besides that there is a little government money, if we pass this bill tomorrow, there is a little government money, \$12,000 immediately, but there is also going to be more expenses. So you cut that right in two and you have \$80,000 or \$90,000 generated there that you have not had before. I think I can show you where you are going to generate some money in the future.

I must be a little more honest than that. I hate to be, but with my seatmates on both sides looking at me. I have got to tell you that this commission that I am talking about will not go into effect until 1975, so it would not affect us next year. Eventually, there will be extra money there I do hope you will pass this. But remember, this is the only means of equalizing tuition between the private and public colleges. I don't think this bill is going to help Ricker College one little bit, because, personally, I think it is too late.

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 through the Chair to any member of the appropriation's committee that might care to answer. I would like to know what the attitudes of the members of this committee are regarding this amendment?

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

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to mention something that I neglected before, and it was brought out previously in the debate on private schools a month or so ago. But at the present time there are 1800 spaces open in private colleges in the State of Maine right now for Maine students. During this Session, you remember we had a discussion of a \$9,000,000 bond issue to expand the capacity of the university. At the rate of \$10,000 per student to build a place, it

would take \$9,000,000 for about 900 students. And then after that we would be loaded with a subsidy much in the excess of what we are talking about here. I honestly believe it makes a load of fiscal sense to attempt to some degree to meet our educational needs through this method rather than continually building onto the university system. I hope you will support the amendment.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I am not a member of the appropriations committee but I would be glad to defer to one who would care to arise and answer the question and then perhaps I can speak.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, this was discussed three or four different days as we kept looking over the part two budget, and the committee voted this down, that is the reason why it is not appearing in the budget.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: Would you speak the motion?

The SPEAKER: The pending motion is the motion of the gentleman from Pittsfield, Mr. Susi, that the House adopt House Amendment F.

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I move that House Amendment F be indefinitely postponed.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for the yeas and nays.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: If this proposed amendment were an amendment to assist the private colleges directly of the

State of Maine, I would oppose it. But it is not. It is an amendment which will increase the assistance that this State is now providing for the State of Maine students who attend private colleges. I don't look at this as being any competition with the University of Maine. I think that is the State of Maine we need both strong private colleges as well as the strong public institution. We supported the University of Maine here today with a very strong vote in an earlier issue. And I hope that this amendment is adopted, and consequently, we will vote no on the proposal before us.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker from Orono, Mr. Curtis; the principal thing that concerns me, at the moment, and over the last hours or so, as much, is where is this money coming from? This is only \$500,000, I realize. Now the gentleman from Bridgewater, Mr. Finemore or the gentleman from Caribou, Mr. Briggs, and all these wealthy people that are very often referred to here in the House, would probably make this money available. I doubt very much if any of them, any of the aforementioned anyway, are going to make it available.

I can't see, unless the appropriations committee knows somewhere that this money can be made available, unless we take it out of some other program where we are going to get money for this sort of a program. Therefore, I think the sooner we dispense with it the better off we are going to be. I have no objection to it as far as its connection with the University of Maine and, goodness knows, I agree that private colleges are an important part of this State. As a matter of fact, I think that they should be continued. I don't subscribe to the idea that because there are 1800 spaces in private colleges that they may all be filled by students who might otherwise go to the University of Maine and cost us more money. Because if they want to study forestry, for an example, or electrical engineering, or chemical engineering, or any of the other courses that are

available primarily up to the State university law, as an example, they are probably not going to matriculate in one of these private colleges. I may be mistaken but it seems to me there is a question as to where the money is going to come from.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I heard the gentleman from Caribou mention the sum of \$500,000. And I believe that this particular amendment calls for only \$100,000. I would like to clear that up. Even in itself, it is a considerable sum of money. But I would hope that when all of these bills get on the appropriations table that this might be a \$100,000 they would find. I believe that we need a viable private sector along with the public sector, and, obviously, I am a strong supporter of public sector. And I don't believe in using public funds for primary secondary education either. This post-secondary education is a little bit different. A choice should be available to people in the private institutions. This makes it a choice of the individual student. I would like to see it supported.

The SPEAKER: A roll call has been requested. In order for the Chair to order a roll call it must have the expressed desire of one fifth of the members present. All those desiring a roll call 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 Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask some questions to whomever may have the answers and I would hope the gentleman from Pittsfield, Mr. Susi, would. It is a series, perhaps I can lay them out and consider them one.

I believe the gentleman from Orono, Mr. Curtis, said something to the effect that this money would only be available to the State of Maine residents. I would like to know what guarantee we have

that we don't in fact, subsidize the education of out-of-state children in private colleges, even though the colleges be within Maine?

Second question which I have is, in whose hands is the administration of these grants, and is it in public hands responsible to public body or is it the hands of the private colleges?

Third question, my recollection is that this has passed I believe, the 105th, initially, and I would be interested to know the initial funding level. If I am correct, it was passed in the 105th, how much we gave during the Regular Session and what this request brings the amount to?

The last thing, I would like to pose a philosophical question along these lines? If the aid is roughly 20 percent, and we are talking about students who are attending private colleges, would varying tuition and board and room rates, but I assume some like Bowdoin College in Brunswick, which I consider quite a high tuition rate, but are we not, in fact, possibly would that 20 percent be putting a little icing on the cake for those that already have it instead of helping those who need it more and who have very little?

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

Mr. SUSI: Mr. Speaker and Members of the House: I will try to handle these as they come to me. Does this money support out-of-state students? No, it goes, under the law, to State of Maine students. In the same vein, you ask about whether this were "icing", and it isn't. Under the law it stipulates that the families of the recipients of these grants have to be below a certain income level. Who administers it? It is administered by a public office. Wayne Ross is the man who administers it. He is over here in the Education building. I can't remember the name of the office, but it is up on the second floor to the left. The man's name is Wayne Ross, and he handles this. It is a public program administered by our public official, Wayne Ross.

How much money was originally appropriated? It was around \$200,000 for the first year and about \$300,000 for the second year. With this, if you gave this

amendment, it would be around \$400,000. I forget the administrative cost, but it is around \$20,000, so there would be somewhere around \$280,000 actually given to the students.

You had one other question. I made a note, private versus public, and I can't remember what it was.

The SPEAKER: The Chair believes it was something to do with the philosophy of the programming, philosophical discussion.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Pittsfield, Mr. Susi. I think he has touched on each of the areas I asked about.

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

ROLL CALL

YEA — Binnette, Birt, Boudreau, Brawn, Briggs, Bunker, Cameron, Carter, Chick, Chonko, Churchill, Clark, Cottrell, Cressey, Crommett, Curran, Deshaies, Dunleavy, Dyar, Faucher, Finemore, Genest, Good, Hamblen, Hancock, Hoffses, Hunter, Jackson, Kauffman, Keyte, LaCharite, Lynch, Martin, McCormick, McHenry, McNally, McTeague, Merrill, Najarian, Norris, Parks, Rollins, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Sproul, Stillings, Tierney, Trask, Trumbull, Webber, Willard, The Speaker.

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Bither, Bragdon, Brown, Bustin, Carey, Conley, Connolly, Cooney, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Drigotas, Emery, D. F.; Farley, Farnham, Farrington, Fecteau, Fraser, Gahagan, Goodwin, K.; Greenlaw, Hobbins, Huber, Kelleher, Kelley, Kelley, R. P.; Kilroy, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; MacLeod, Maddox, Mahany, Maxwell, McKernan, McMahon, Mills, Morton, Mulken, Murchison, Murray, Palmer, Peterson, Pontbriand, Rolde, Silverman, Smith, S.; Snowe, Strout, Susi, Tyndale, Twitchell, Walker, White, Whitzell, Wood, M. E.

ABSENT — Albert, Berube, Carrier, Cote, Dow, Dudley, Dunn, Evans, Ferris, Flynn, Garsoe, Gauthier, Goodwin, H.; Herrick, Immonen, Jacques, Jalbert, Knight, Littlefield, Morin, L.; Morin, V.; O'Brien, Perkins, Pratt, Ricker, Ross, Santoro, Sheltra, Soulas, Talbot, Tanguay, Theriault, Wheeler.

Yes, 54; No, 63; Absent, 33.

The SPEAKER: Fifty-four having voted in the affirmative and sixty-three in the negative, with thirty-three being absent, the motion does not prevail.

Thereupon, House Amendment "F" was adopted.

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

Mr. KAUFFMAN: Mr. Speaker, having voted on the prevailing side, I move the House reconsider its action whereby it adopted House Amendment "H" to L. D. 2602.

The SPEAKER: The gentleman from Kittery, Mr. Kauffman, moves the House reconsider its action whereby House Amendment "H" was adopted.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I would ask for a division and ask you to vote against the motion to reconsider. Basically the issues haven't changed, and I would ask you to vote no.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I kind of would disagree with the gentleman from Eagle Lake. I would ask you to vote yes.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Kauffman, that the House reconsider its action whereby House Amendment "H" was adopted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Martin of Eagle Lake 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 Kittery, Mr. Kauffman, that the House reconsider its action whereby House Amendment "H" was adopted. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carey, Carter, Chick, Churchill, Cressey, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Dyar, Emery, D. F.; Farnham, Farrington, Fecteau, Finemore, Good, Hamblen, Hunter, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Lewis, E.; Lewis, J.; MacLeod, McCormick, McNally, Morton, Murchison, Norris, Palmer, Parks, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Susi, Trask, Trumbull, Walker, White, Willard, The Speaker.

NAY — Berry, P. P.; Boudreau, Bustin, Carrier, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Dam, Donaghy, Drigotas, Dunleavy, Farley, Faucher, Fraser, Gahagan, Genest, Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Mulhern, Murray, Najarian, Peterson, Pontbriand, Rolde, Rollins, Smith, D. M.; Smith, S.; Tierney, Twitchell, Tyndale, Webber, Whitzell, Wood, M. E.

ABSENT — Albert, Berube, Binnette, Cote, Dow, Dudley, Dunn, Evans, Ferris, Flynn, Garsoe, Gauthier, Goodwin, H.; Herrick, Hoffses, Immonen, Jacques, Knight, Littlefield, Morin, L.; Morin, V.; O'Brien, Perkins, Pratt, Ricker, Ross, Santoro, Sheltra, Soulas, Talbot, Tanguay, Theriault, Wheeler.

Yes, 61; No, 56; Absent, 33.

The SPEAKER: Sixty-one having voted in the affirmative and fifty-six in

the negative, with thirty-three being absent, the motion does prevail.

The pending question now is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House adopt House Amendment "H".

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would plead with you to adopt the amendment, based on the facts which many of us have related to you. I don't think that any of the facts have changed. I think that we ought to keep in mind that the Youth Services Bureau is a continuing bureau. It is something that has been going on and done right for two and a half years, and I would plead with you to vote for it.

If you kill the amendment, keep in mind that we still will have five people at \$40,000 that will be added to the Department of Mental Health and Corrections in the field of parole officers to deal with students after the fact rather than before. And I would ask that you vote yes on the adoption of the amendment.

Mr. Finemore of Bridgewater requested a roll call vote.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: Probably many other members of the House have not had any opportunity to use the youth referral resources, but I have. I teach the children in high school that you would usually refer to as bad actors, and the reason I teach that group is because we were a federally funded program about five years ago. It was a federally funded program — what we tried to do was work with the educationally handicapped and the deprived children at the high school level. If you come into my classroom and you see children that are high school age, 17, 18 and 19 years old reading at a fourth grade level, you would be asking yourself what schools are doing for those children. Well in my community, we do do something for the children.

I happen to teach in Winthrop, and the school board, which first approved the

Title 3 grant that we started on, it is a federal grant, approved that grant full knowing that at the end of three years they had an option to either pick up the grant or drop the whole thing. Since then, each year the community has picked up the total cost of the program after federal funding had lapsed. We have been three years funded after federal funds have lapsed. The reason that we have funded is because the program is needed, and this program is needed.

I have used this resource under the Executive Branch to do several things: One, to investigate and find alternative places for placing the students who didn't fit into the public school system that we are in, and some of those children are located at Hinckley School, which is an endowed private high school, and they accepted this child and worked on remedial with them.

Other services that they provide are drug programs, intervention in family crises and in the establishment of new programs throughout the State. This program has been working. What we are asked to do here today is either fund this program at \$28,000, approximately, or at \$23,000 or create a new problem, which is a new program which will cost \$41,000. The simple arithmetic is there, and I would ask you to pass favorably on this amendment. It is a worthwhile service and it is working, the same way that my program is working in my high school. And when a program is working, it should be refunded.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I still find myself with strange bedfellows. I must emphasize what Mr. Whitzell, the gentleman from Gardiner, has just told us, that we have a program that is working and it is going to cost to continue it roughly \$28,000. We have had probation and parole for years after things have happened, and here we are going to propose to spend \$41,000, far more money than what we want for this continuing, working program. We want to start this new program, and I just can't understand why anyone would feel

this way about it. I hope that you will vote for Amendment "H" that is now before us, because it does cut out part of the money for the probation and parole, new programs for them, and it does continue a youth program that is working.

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 Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Just a final word on this. The young people that we are talking about here, I don't think maybe we have adequately described people that we are serving with the Youth Services Division.

What we are talking about is young people who, for example, have run away from home — they have not gotten into any trouble yet — from families where they have been put out of the house for one reason or another, or children who are not well supervised at home and not well supervised in the community, young people who are targeted as potential delinquents, those who have not really done anything to break the law but whose behavior would indicate that they might. This agency refers them to agencies which can provide them with some kind of service before they get in trouble. I hope you will not vote against these children at this time.

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

ROLL CALL

YEA — Berry, P. P.; Boudreau, Briggs, Bunker, Bustin, Carrier, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Dam, Deshaies, Donaghy, Dunleavy, Emery,

D. F.; Farley, Faucher, Fecteau, Fraser, Gahagan, Genest, Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McTeague, Merrill, Mills, Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Peterson, Pontbriand, Rolde, Rollins, Smith, D. M.; Smith, S.; Tierney, Twitchell, Tyndale, Webber, White, Whitzell, Willard, Wood, M. E.

NAY — Ault, Baker, Berry, G. W.; Binnette, Birt, Bither, Bragdon, Brawn, Brown, Cameron, Carey, Carter, Chick, Churchill, Cressey, Curran, Curtis, T. S., Jr.; Davis, Drigotas, Dyar, Farnham, Farrington, Finemore, Good, Hamblen, Hunter, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Lewis, E.; Lewis, J.; Littlefield, MacLeod, McCormick, McMahon, McNally, Norris, Palmer, Parks, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Susi, Trask, Trumbull, Walker, The Speaker.

ABSENT — Albert, Berube, Cote, Dow, Dudley, Dunn, Evans, Ferris, Flynn, Garsoe, Gauthier, Goodwin, H.; Herrick, Hoffses, Immonen, Jacques, Knight, Morin, L.; O'Brien, Perkins, Pratt, Ricker, Ross, Santoro, Sheltra, Soulas, Talbot, Tanguay, Theriault, Wheeler.

Yes, 65; No, 55; Absent, 30.

The SPEAKER: Sixty-five having voted in the affirmative and fifty-five in the negative, with thirty being absent, the motion does prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "H" and House Amendment "F" and sent to the Senate.

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

Mr. COONEY: Mr. Speaker, I would ask if the House is in possession of L. D. 2149, An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities. I would move reconsideration and ask you all to vote against me.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves the House

reconsider its action of earlier in the day whereby it voted to adhere on Bill "An Act Providing for A Credit in Maine Income Tax Law for Investment in Pollution Control Facilities," Senate Paper 737, L. D. 2149. All in favor of that motion will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, I move we reconsider our action on the supplemental budget, L. D. 2602, whereby it was passed to be engrossed.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the House reconsider its action of earlier in the day whereby Bill "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1975, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government," Senate Paper 951, L. D. 2602, was passed to be engrossed. All in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Bill "An Act Relating to Conflict of Interests and Purchases by Governmental Units" (H. P. 2080) (L. D. 2603)

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

Mr. Sproul of Augusta offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-805) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" has two points in it. The first one would be to change the subtitle in 3104, conflicts of interests, purchases by governmental units, which would put it in line with the title of the bill, and also because in that paragraph it goes on to describe political

subdivisions, quasi-municipal corporations, so it would seem proper that they should all be included and not just the State.

The second point is to try to get a consistent law governing state, county and local officials, including members of the legislature, and it would add the language in describing "or other persons holding a place of trust in any State office, including members of the legislature." So there could be no misunderstanding on that.

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

Mr. STILLINGS: Mr. Speaker and Members of the House: If I might just say a word in behalf of the State Government Committee which turned out this bill. First of all, the particular section of the statute which the gentleman's amendment applies to does not now, at least according to an opinion of the Attorney General, refer to or include members of the legislature. It was the intent of the State Government Committee that it not include members of the legislature, and there is another bill before this body, L. D. 2605, which deals specifically with conflict of interest for legislators. So I hope you do not adopt this amendment.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: This bill, when it was presented to the committee, did include members of the legislature. There is a difference of opinion in the legal profession concerning this particular interpretation. Other person holding a place of trust in any state office, many attorneys believe that now includes members of the legislature. However, others do not, and there has been an opinion of the Attorney General in that direction, as it was mentioned to you by the gentleman from Orono, Mr. Curtis, this morning.

I would like to see the same yardstick used for all public officials, including members of the legislature. This legislature has seen fit to pass laws covering municipal, county and quasi-municipal officials. They seem to

be able to make them much easier and much stricter when it is dealing with someone else. They have failed repeatedly, year after year, to attempt to govern themselves.

The objection I have to it in 2605, where they seem to think the answer would be, there is no penalty whatsoever in that section that I see. They are only talking about whether or not someone is going to vote. So I think this section under conflict of interest, this statute should also include members of the legislature. And it would mean that any contracts with the state would be void. It does not go on concerning the penalty, which you may hear an argument on. That seems to be in terms of drawbacks, secret discounts and so forth, that there is a penalty involved here. This is in the sentence stating that this contract would be void, any contract that they might attempt to enter into, and I believe that is what the people in the State of Maine want.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I think the reason the State Government Committee did not include legislators in this bill is because this applies to voting on contracts, which is something that the State Legislature does not do.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Through the Chair I would pose a question to the gentleman from Augusta, Mr. Sproul. Could he define the word "drawback" to me? I thought it meant kickback.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, poses a question through the Chair to the gentleman from Augusta, Mr. Sproul, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. SPROUL: Mr. Speaker, I believe the language here is the same as it is in the present law. There is no change there, and I guess anyone can make their own definitions and I think kickback would be included within that.

The SPEAKER: The Chair recognizes

the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I am confused. I listened with interest to the remarks of the lady from Portland, Mrs. Najarian, and this morning the gentleman from Orono, Mr. Curtis, explain that there were three bills, one that concerned itself with membership of the Ethics Committee and this bill here, and then the one that did concern the legislators was coming out later on. Am I correct. In my opinion, if there was to be an amendment as put in by Mr. Sproul, I would almost say, Mr. Speaker, that this amendment could very well not be germane to this bill, but the amendment could be germane to the bill that will come out, the gentleman from Orono, Mr. Curtis's bill.

The SPEAKER: The Chair would rule this amendment is germane.

Mr. JALBERT: Mr. Speaker, I am not asking for an opinion. I am just confused.

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

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Lewiston, Mr. Jalbert, is quite correct. There are three bills. One involves only the makeup of the Ethics Committee — that is not before us right now. The one that is before us right now, the way it is written, involves conflict of interest in purchases by governmental units, municipalities and counties included. And L. D. 2605, which is a rather detailed bill, which like the first two, also came out of the State Government Committee relating to legislative ethics and the disclosure of certain information by legislators, and it is the opinion of the State Government Committee, unanimously, that L. D. 2603, the one that is before us right now, should be enacted the way it is written. And when we get to the discussion of L. D. 2605, we can get into the more intricate and complicated problems that arise when we consider the problems of

ethics among legislators and conflict among legislators.

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

A vote of the House was taken.

21 having voted in the affirmative and 72 having voted in the negative, the motion did 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.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.