

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, April 15, 1975

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

Prayer by the Rev. Richard S. Merrill of Cumberland.

The journal of yesterday was read and approved.

(Off Record Remarks)

**Papers from the Senate
Reports of Committees
Leave to Withdraw**

Committee on Veterans and Retirement reporting Leave to Withdraw on Bill "An Act Concerning the Board of Trustees of the State Retirement System" (S. P. 340) (L. D. 1142)

Committee on Veterans and Retirement reporting Leave to Withdraw on Bill "An Act Concerning Per Diem Payments to Trustees of the State Retirement System" (S. P. 347) (L. D. 1145)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act Relating to Leasing and Selling of Property Taken or Acquired for Highway Purposes" (S. P. 310) (L. D. 1058)

Report was signed by the following members:

Messrs. CORSON of Somerset
CIANCHETTE of Somerset
DANTON of York
— of the Senate.

Messrs. PERKINS of Blue Hill
GOULD of Old Town
SHUTE of Stockton Springs
FAUCHER of Solon
BURNS of North Anson
CAREY of Waterville
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. COTE of Lewiston
HUNTER of Benton
JOYCE of Portland
— of the House.

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

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, I move we accept the Majority "Ought to pass" Report in concurrence.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the "ought to pass" report, and I will tell you why.

I feel that we shouldn't put the Department of Transportation and the head of that Bureau in the leasing and selling of property which is acquired for highway purposes. At the present time, there are checks and balances. When they want to make a transfer or sell a piece of property or lease a piece of property to someone, they have to go to the Council for an order, and I think there are checks and balances there. If you let one man be the sole judge to whom he should lease to or

sell to, I think it could lead to hanky-panky in the future, so I object to the report and I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill has nothing to do with the selling of property, this is merely the leasing of property by the commissioner. We feel to cut down the paper work it would be a lot simpler way of doing it.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I speak for the majority report. I am an old critic of the Highway Department, as a lot of you know, but I see no harm in this bill. It doesn't deal with selling, it deals with leasing property they have taken with the intent of building a highway or something, and then they find they don't have the money. We see no need to tie this property up over a period of years, until such time as they get the money to build the highway. So we felt as though the property could be utilized by leasing, and by the time it goes through the Council, we thought too much time was lost. And seeing as it is only a lease, we thought they should have the right to do it. That was the opinion of the majority of the committee, and I have no strong feelings about it, but it was the feeling of the majority of the committee.

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

Mr. COTE: Mr. Speaker and Members of the House: I have no qualms about the leasing of the property. The only thing, I want someone to explain to someone why it should be leased and so forth, and at least they must have to go to the Council for their permission. I think this is the right thing to do, but if you leave it to the discretion of one person, I don't know what it is going to lead to in the future. That is, what I am objecting to.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise and support Mr. Cote's stand on this. I signed the minority report with the gentleman from Lewiston. My question to the representative of the Department of Transportation was this, that if a subject owned 300 feet and was running a Dairy Joy there and the state came along and by eminent domain or by an honest sale took one half of his frontage and then decided six months later that they weren't going to build there for probably seven or eight years, they could then go out and lease that land and they could lease it to a fellow operating another type ice cream stand next door, so they could eliminate the guy that really thought he had some protection. They could set up a competitor right on the next lot, and they wanted the authority to have one man make this decision. I agree with Mr. Cote, the checks and balances have got to come in here.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I don't have any real interest in this bill other than the fact that I have heard two previous speakers mention that this does not concern selling. I just happened to pull out L. D. 1058 and read it, and I will read a couple sentences to you. It starts out, "Governor and Council on recommendation of the Department of Transportation may sell

and convey on behalf of the state. . . . That goes on a little further. Then you get down into the last sentence and it speaks of leasing. . . . The Department of Transportation may lease such interest in such property, pending such sale. . . ." and it goes on from there, and sale is mentioned again in the statement of fact.

If that doesn't say selling, I don't know why it doesn't. I wish somebody would explain that.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This was a rework of the paragraph that is an existing law now changing department to Department of Transportation. Then it came down to that same sentence to "hereof," and a period was inserted there, "and the" struck out. The Department of Transportation may lease such interest in such property pending such sale, or the advantages of use of property for highway purposes.

This land has been taken off the tax rolls of the state, and by leasing it they will be recouping some money, and it is merely an inter-office type operation that was tying up the council before with the lease contracts.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to you that this little innocent document is just what it says right there, that they could take a piece of my property by eminent domain and lease it to one of my competitors, and that is just what I don't like about it. I want to know what the Committee did to assure the former owner that he would have priority in leasing and priority in purchasing. I think a former owner should be protected here.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I can't understand why they are saying it doesn't say sale, because it says "may sell." It doesn't say "shall sell," it says "may sell." It says right here in the bill, 1058, and I don't want the people here to be misled in this House this morning, although I haven't picked a side to vote on yet. But I don't want them to be misled with the idea that it doesn't mean sell, because it does mean sell. I think I can read the bill, and I think most members of the House can, and I think if they read the bill they can see it is true.

I am like the gentleman who just spoke behind me. I think there are a lot of catches in this, to take a piece of property from someone and then later sell it to someone else, I think at least there should be something in this so it would have to be sold or leased back to the owner, he would at least have the first choice to buy or sell this back or lease it, because it could make a mess, especially on an open front where there is a good business set up.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker and Members of the House: I got involved like this with the state. They took my property and six months afterwards they sold it to somebody else who put an apartment house on it. I wouldn't vote for this bill.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: This apparently, now that my attention has been drawn to it, is the same type of bill they tried to enact eight years ago here before it was exposed on the floor of the House. There is no question in my mind that this is the same type of bill where they can take an eminent domain for whatever purpose they deem necessary and they sell it to somebody else. We have been through that procedure before, and there are three State of Maine Supreme Court decisions that forbid such a practice.

Mr. Speaker, I now move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Eastport, Mr. Mills, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: It is my impression that the Department of Transportation can already sell and convey property on behalf of the state, and if you kill the bill, that won't change that at all. All this bill does is change department to Department of Transportation. They can already sell property.

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

Mr. CAREY: Mr. Speaker and Members of the House: If people would take out bill 1058 and see the dark print, which is the change in the law, they would notice that the Department of Transportation can recommend to the Executive Council the sale of property and the Executive Council will have the last say on the sale of property.

However, on the leasing of property, the Department of Transportation would be allowed to make the leases, and this is basically because there are times they get delayed in the construction phase from the planning phase and the acquisition phase, and then what happens is, theoretically, the people who are on that land would obviously have to get out right away. This would give, according to the testimony given to us by Mr. Luettich of the Department of Transportation, the department some leeway as to allowing people to stay on the property until it is actually needed. This is a bill which would help the people who are in business along a route which is being taken.

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

Mr. COTE: Mr. Speaker and Members of the House: I have no objection, as I said before, to them leasing or selling the property. I only want them to go to someone who will give them permission to do that, and at this time we have checks and balances. They go to the Council and they ask their permission. At least somebody knows what is going on. If it is being done without anyone knowing about it, somebody somewhere along the line will get a kicking.

The SPEAKER: The pending question is on the motion of the gentleman from Eastport, Mr. Mills, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 43 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Concerning Employment in the Department of Mental Health and Corrections" (H. P. 476) (L. D. 596) which was passed to be engrossed as amended by House Amendment "A" (H-155) in the House on April 11.

Came from the Senate with the Majority "Ought Not to Pass" Report accepted in non-concurrence.

In the House:

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I am quite aware that three of the members in the other body were against this bill, and therefore, it has been voted "ought not to pass." But I would like to at this time insist and ask for a committee of conference.

Thereupon, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Establish Statutory Provisions for a Retail Seafood Dealer's License" (H. P. 1340) (L. D. 1621) which was referred to the Committee on Marine Resources in the House on April 2.

Came from the Senate referred to the Committee on Business Legislation in non-concurrence.

In the House:

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: At this time, I would like to move we insist and I would like to speak to the motion.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, moves that the House insist.

The gentleman may proceed.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: The pending item before you and also item 6 are bills that were referred to the Marine Resources Committee in this body. They are really part of a package that the department has submitted for consideration by this legislature of an all encompassing bill which was sponsored by the gentleman from Rockland, Mr. Curtis. I don't like to get involved in these reference fights or disputes or disagreements, but I do think that it is very important that the Marine Resources Committee hear and consider these bills all at the same time. They are not establishing a new license. It is basically changing the different sections of the statutes and replacing the part that is being repealed by the bill that is being sponsored by the gentleman from Rockland, Mr. Curtis.

So I do hope that this body would insist.

Thereupon, on motion of Mr. Greenlaw of Stonington, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Establish Statutory Provisions for a Wholesale Seafood Dealer's and Processor's License" (H. P. 1341) (L. D. 1622) which was referred to the Committee on Marine Resources in the House on April 2.

Came from the Senate referred to the Committee on Business Legislation in non-concurrence.

In the House: On motion of Mr. Greenlaw of Stonington, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Provide Compensation to Employees on Wages for Jury Service" (H. P. 1426) (L. D. 1695) which was referred to the Committee on Labor in the House on April 7.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

In the House: On motion of Mr. Gauthier of Sanford, the House voted to recede and concur.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Amend the General Assistance Laws" (H. P. 1032) (L. D. 1320) which was referred to the Committee on Performance Audit in the House on April 11.

Came from the Senate referred to the Committee on Health and Institutional Services in non-concurrence.

In the House:

Mrs. Najarian of Portland moved that the House recede and concur.

On motion of Mr. Birt of East Millinocket, tabled pending the motion of Mrs. Najarian of Portland to recede and concur and tomorrow assigned.

Orders

Mr. Peakes of Dexter present the following Joint Order and moved its passage: (H. P. 1496) (Cosponsor: Mrs. Lavery of Millinocket)

WHEREAS, the Members of the 107th Maine Legislature have conscientiously and faithfully discharged the public trust; and

WHEREAS, the laws of Maine are but silent monuments of the characters and abilities of those notable figures who formed and enacted them; and

WHEREAS, it is only fitting that those who have so shaped the course of the future be suitably honored in the setting of their past accomplishments; now, therefore, be it

ORDERED, the Senate concurring, that Wednesday, April 30, 1975, be set apart and designated as "Welcome Back Day" at the Legislature and that a special legislative committee composed of 3 members chosen by the President of the Senate and 10 members chosen by the Speaker of the House be named, who are hereby authorized and instructed to further such plans and arrangements suitable for a homecoming; and be it further

ORDERED, that all former presiding officers of the House and Senate and all former officers of the House and Senate are hereby extended a cordial invitation to be guests of the 107th Legislature in session on that date; and be it further

ORDERED, that each individual member of the 107th Legislature be charged with the duty of urging all colleagues of former Legislatures within their districts to make every effort to return on "Welcome Back Day" and share the friendship and pleasant memories of our great heritage.

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

On Motion of Mr. Rolde of York, it was ORDERED, that the House of Representatives declares a vacancy to exist in the representation in this House of the City of Old Town on account of the death of the Honorable Joseph E. Bennette; and be it further

ORDERED, that a copy of this Order, certified by the Clerk of the House, be sent to the Governor, the Secretary of State and the President of the City Council of the City

of Old Town in which the vacancy exists.
On motion of Mr. Albert of Limestone, it was

ORDERED, that Donald Strout of East Corinth be excused April 17th and 18th for Legislative Business

AND BE IT FURTHER ORDERED, that Emile Fraser of Mexico be excused April 17th and 18th for Legislative Business.

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 1497) (Cosponsor: Mr. Kennedy of Gray)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Patriots of Gray-New Gloucester High School State Class 'C' Basketball Champions for the Academic Year 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

**House Reports of Committees
Ought Not to Pass**

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Resolve, to Reimburse the Town of Plymouth for Welfare Expenditures (H. P. 878) (L. D. 1052) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 17-A.

Leave to Withdraw

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Staff for the Regulation of Pre-School Facilities" (H. P. 866) (L. D. 1075) reporting Leave to Withdraw

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase Per Deim Charitable Institutions" (Emergency) (H. P. 822) (L. D. 1006) reporting same.

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase Per Dien Allowances for Members of the State Board of Arbitration and Conciliation" (H. P. 818) (L. D. 1003) reporting same.

Mr. Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Southern Maine Vocational-Technical Institute so that the Present Student Enrollment will of have to be Reduced" (H. P. 535) (L. D. 652) reporting same.

Reports were read and accepted and sent up for concurrence.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act Relating to Specially Designed Registration Plates for the Maine National Guard" (H. P. 733) (L. D. 909)

Report was signed by the following members:
Messrs. GREELEY of Waldo

McNALLY of Hancock
CYR of Aroostook
— of the Senate.

Messrs. FRASER of Mexico
WINSHIP of Milo
STROUT of East Corinth
KAUFFMAN of Kittery
LUNT of Presque Isle
JACQUES of Lewiston
WEBBER of Belfast

Mrs. BERRY of Madison
— of the House.

Minority Report of same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following member:
Mr. JENSEN of Portland
— of the House.

Reports were read.
Mr. Fraser of Mexico moved the House accept the Majority "Ought to pass" Report.

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

Mr. CARPENTER: Mr. Speaker, since the member signing the minority "ought not to pass" is not in his seat this morning, I would hope that somebody would rise and table this for one legislative day.

Thereupon, on motion of Mr. Rideout of Mapleton, tabled pending the motion of Mr. Fraser of Mexico to accept the Majority Report and tomorrow assigned.

**Consent Calendar
First Day**

In accordance with House Rule 49-A, the following items appear on the Consent Calendar for the First Day:

Bill "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" (H. P. 709) (L. D. 888)

Bill "An Act Relating to Reallocation of Existing Institutional Resources of the Bureau of Corrections" — Committee on Health and Institutional Services reporting "Ought to Pass" (H. P. 559) (L. D. 688)

Bill "An Act Relating to Withdrawal of Good Time for County Jail Inmates" — Committee on Judiciary reporting "Ought to Pass" (S. P. 210) (L. D. 700)

Bill "An Act to Provide Funds for the Continuation of Children's Mental Health Services within the State of Maine" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-156) (H. P. 623) (L. D. 777)

Bill "An Act to Provide Vocational Rehabilitation Services to Those Persons who are Deaf or Who Have Impaired Hearing" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-158) (H. P. 165) (L. D. 199)

Bill "An Act to Provide for Continuity of Treatment by Ambulance Personnel" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-159) (H. P. 495) (L. D. 613)

Bill "An Act Relating to Premiums and Rebates by Class A Restaurants under the Liquor Laws" — Committee on Liquor Control reporting "Ought to Pass" as

amended by Committee Amendment "A" (H-160) (H. P. 873) (L. D. 1047)

Bill "An Act Relating to Single Payment Loans under the Maine Consumer Credit Code" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-55) (S. P. 201) (L. D. 668)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence, and the House Papers were passed to be engrossed and sent to the Senate for concurrence.

**Consent Calendar
Second Day**

In accordance with House Rule 49-A, the following items appear on the Consent Calendar for the Second Day:

Resolve, Confirming the Transfer of Certain Lands from the Department of Mental Health and Corrections to the Department of Conservation, Bureau of Public Lands (C. "A" H-157) (H. P. 843) (L. D. 1028)

Bill "An Act to Change Limits under Small Claims Actions" (C. "A" S-52) (S. P. 207) (L. D. 697)

Bill "An Act Relating to the State Soil and Water Conservation Commission" (C. "A" S-54) (S. P. 135) (L. D. 474)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence, and the House Paper was passed to be engrossed and sent to the Senate for concurrence.

Passed to Be Engrossed

Bill "An Act to Simplify the Computation of Tree Growth Reimbursement" (H. P. 244) (L. D. 298)

Resolve, Authorizing the State Director of Property Taxation to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory (H. P. 241) (L. D. 296)

Bill "An Act to Exempt Nonprofit Health Care Corporations from Sales Tax on Medical Supplies and Equipment Donated to Patients" (H. P. 74) (L. D. 86)

Bill "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs" (H. P. 1491) (L. D. 1739)

Bill "An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers" (H. P. 480) (L. D. 599)

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

**Finally Passed
Emergency Measure**

Resolve, Authorizing Sherman Collins, Francis Fitzmaurice, the Estate of Durward G. Turner, Durward G. Turner, Jr., David G. Turner and Ellen S. Turner to Bring Civil Action Against the State of Maine (H. P. 318) (L. D. 387)

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

Mr. Farnham of Hampden 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 Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think you deserve to know what this particular bill is all about. It, of course, allows the group that is listed here to enter a suit in the Superior Court of the state in which the state will be a party. It involves a fatal accident that occurred in Franklin County and that was well over two years ago. It has not been adjudicated yet. It is coming up at this term of court in April and May. The court is in session at the present time. This is why it was necessary for it to be an emergency measure.

There is serious question as to whether the state has a liability here due to the possible negligence of state employees, and there is a mother, there are four children in the family, and this woman has lost her husband. The children were injured severely. The father died, and there is real destitution here, and it only seems fair that this should be heard in court, make the adjudication in court. That is the place to make it.

There was not strong opposition from the State Government, the Department of Transportation for this, and I feel it is only justice that this woman and her children should have the opportunity to get this case heard in court. That is what this bill is all about.

The SPEAKER: The pending question is on final passage. A roll call has been ordered. If you are in favor of this Resolve being finally passed, you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Maxwell, McBreairty, McKernan, McMahan, Mills, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Martin, A.; Raymond, Truman.

ABSENT — Gray, Hennessey, Jensen, Kany, Mackel, Martin, R.; Miskavage, Morin, Post, Snowe, Strout, Teague.

Yes, 135; No, 3; Absent, 12.

The SPEAKER: One hundred thirty-five having voted in the affirmative, and three in the negative, with twelve being absent, the motion does prevail.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to Liability of Natural Gas Distributors (S. P. 419) (L. D. 1267)

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

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I still have serious reservations about this item two, L. D. 1267. I contend that it raises the prices of gas to innocent people that are now complaining about the prices of things, and I didn't come here to raise the prices of any commodity that people have to have in their daily function. I submit that it makes business for the insurance companies that don't need business and it attempts to make someone liable for something they have no control over. For these three reasons I hope that this type of legislation doesn't pass. I think it is a bad precedent; I think you could pick out any industry or any individual and do the same thing to this particular industry, make them liable, make them buy insurance and they would charge it to the commodity, and school would keep as usual and the poor consumer would pay more for the item involved. I do hope that this type of legislation doesn't pass here this morning, or that we don't try to pass similar legislation in the future. I do hope that this doesn't receive the required vote. I ask for a roll call.

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

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

The SPEAKER: The pending question is on passage to be enacted of L. D. 1267. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Bustin, Carey, Carpenter, Carroll, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Dam, Davies, Drigotas, Dyer, Farley, Farnham, Faucher, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Higgins, Hobbins, Hughes, Ingegneri, Joyce, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Leonard, Lewis, Lizotte, Martin, A.; McKernan, McMahan, Mitchell, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Silverman, Smith, Snow, Spencer, Stubbs, Susi, Talbot, Tarr, Theriault, Tierney, Torrey, Truman, Twitchell, Tyndale, Usher, Wagner, Webber, Wilfong, Winship, The Speaker.

NAY — Albert, Ault, Bagley, Berry, G. W.; Birt, Burns, Byers, Call, Carter, Churchill, Connors, Curran, R.; Curtis, DeVane, Doak, Dow, Dudley, Durgin, Fenlason, Garsoe, Gould, Hewes, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Kauffman, Kelley, Laverty, Lewin, Littlefield, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Maxwell, McBreairty, Mills, Morton, Norris, Palmer, Peakes, Perkins, S.; Perkins, T.;

Peterson, P.; Saunders, Shute, Sprowl, Strout, Tozier.

ABSENT — Cote, Gray, Jalbert, Jensen, Kany, Mackel, Martin, R.; Miskavage, Morin, Snowe, Teague.

Yes, 85; No, 54; Absent, 11.

The SPEAKER: Eighty-five having voted in the affirmative and fifty-four in the negative, with eleven being absent, the motion does prevail.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side I now move that we reconsider our action whereby we enacted L. D. 1267, and I would urge all supporters of the bill to vote against my motion.

The SPEAKER: The gentleman from Standish, Mr. Spencer, moves the House reconsider its action whereby this Bill was passed to be enacted. 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.

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

An Act Relating to Action or Claim of Insured against Insurer under a Policy of Insurance (H. P. 207) (L. D. 252)

An Act to Amend the Maine Securities Act (H. P. 574) (L. D. 709)

An Act to Provide for Multiple Initial Licenses and Clarification of License Category under the Insurance Code (H. P. 594) (L. D. 733)

An Act to Aid Municipalities in the Purchase of Surplus State Property (H. P. 643) (L. D. 796)

An Act to Provide a Right to Examine and Return Life Insurance Policies (H. P. 665) (L. D. 839)

An Act to Authorize the Real Estate Commission to Administer Oaths and Affirmations at Hearings (H. P. 679) (L. D. 868)

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

Orders of the Day

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

Bill "An Act to Establish the Electric Facility Siting Act" (S. P. 483) (L. D. 1675) — Comes from the Senate, referred to the Committee on Natural Resources.

Tabled — April 14, by Mr. Farley of Biddeford.

Pending — Reference.

On motion of Mr. Farley of Biddeford, referred to the Committee on Energy in non-concurrence and sent up for concurrence.

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

Bill "An Act to Abolish the Department of Business Regulations" (S. P. 475) (L. D. 1670) — Comes from the Senate, referred to the Committee on State Government.

Tabled — April 14, by Mr. Berry of Buxton.

Pending — Reference.

On motion of Mr. Berry of Buxton, was referred to the Committee on State Government in concurrence.

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

Bill "An Act Relating to Mandatory

Reporting of Child Abuse or Neglect" (Emergency) (H. P. 1488) (L. D. 1680)

Tabled — April 14, by Mrs. Post of Owls Head.

Pending Passage to be Engrossed.

Mr. Rolde of York offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-161) was read by the Clerk.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that I have just offered relates to what I would call the suspect or believe controversy. Perhaps some of you have heard about that particular controversy in connection with this bill, and the quarrel that seems to have developed over the bill occurs in the use of words in two sections, and if you look at the bill, you will see in Section 3853 the word "believe" and in Section 3855 the word "believe." The amendment that I am offering would change the word believe to suspect.

There is a good deal of confusion over this, because the word suspect is used throughout the bill and I would point at the very beginning, in Section 3851 under purposes, it states the mandatory reporting of cases of suspected abuse or neglect by physicians, institutions and other purposes, etc. Even in the section where the dispute comes under 3853, that is titled "Persons Mandated to Report Suspected Child Abuse or Neglect" "and so on throughout the bill the word is suspect used quite a number of times.

The problem here seems to be, and I think the objection to the use of the word suspect in these particular sections comes from those who would be required to report under the provisions of this bill. It says that when any physician, resident, intern, medical examiner, dentist, osteopath, chiropractor, podiatrist, registered or licensed practical nurse, christian science practitioner, teacher, school official, social worker, psychologist, child care personnel, mental health professional, law enforcement official knows, and as the language in the bill now says, "or has reasonable cause to believe." There are persons who feel that the word "believe" should be changed to "suspect." Those who object to changing it to "suspect" I think fear that a case may get by one of these people and that they would then later on be brought to court.

However, the original purpose of this bill is stated in the preamble, the emergency preamble, and it says, "Whereas the federal government, under the Child Abuse Prevention and Treatment Act, has moneys in the form of grants and research and demonstration moneys available to states; and whereas the State of Maine, Department of Health and Welfare, intends to make application for moneys; and whereas the State of Maine is not eligible for such moneys until there are certain revisions in the Maine law..." and that is, as I understand it, one of the bases for putting this bill in, to make us eligible for federal funds.

Now, the controversy has grown up as to whether in order to be eligible we need the word "suspect" or "believe" in those two sections that I have stated. There is also a timing problem here. This bill has got to be passed by this Friday, or else we will not be eligible to apply for those funds.

In order to get some indication of how to deal with this controversy, Commissioner David Smith, on April 11, sent a letter to the federal authorities asking them

whether the word "believe or suspect" should be used. He received a telegram, which I have not been given the written copy, but I have been given the words that were given to the Department of Health and Welfare on the phone. It said, your letter of April 11, 1975, in answer to your two questions, is yes in both instances. Wording in L. D. 1680 would jeopardize your 4-A and 4-B funding for child welfare services as well as your eligibility for funding under Public Law 93247. It is signed Neil Fallon, Regional Commissioner, Department of Health, Education, Welfare, Social and Rehabilitation Services Headquarters in Boston.

From talking to Lynn Fulton at the Department of Health and Welfare this morning, she told me that the combination of funding under 4-A and 4-B for child welfare services is approximately \$600,000. In addition, the eligibility for funding under Public Law 93247 is approximately \$28,000, which is an automatic grant to the state and the chance to apply for further funds up to \$300,000. It is with that in mind, and I know there will be those who will question whether this is definitive statement from the federal government as to whether suspect or believe should be in the bill, but I felt in the light of this telegram that the amendment should be offered and I urge its support.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: Rarely do I stand up to oppose the usual good judgment of the good gentleman from York, but I am prepared to this morning.

I would remind you that this is a unanimous committee report, unanimous "ought to pass" from the Human Resources Committee. We all, on that committee, certainly want to put a stop, if at all possible, to any child beating that goes on in the State of Maine and we also, naturally, want to get all of the so-called free money that comes from the federal government.

As Mr. Rolde said, this bill had to be passed, I thought by Thursday instead of Friday, and I believe if you attach this amendment you are going to jeopardize passage of this bill. I would like to tell you why. I again would refer you to the bill, as Mr. Rolde has done — it is 1680, if you don't have it in front of you, and the first paragraph under Purposes, it says the purpose of this chapter is to provide for the protection of children whose health and welfare are adversely affected or threatened by the conduct of those responsible for their care, etc. We all abhor child beating, and I think that most of us realize that the people who do it are sick themselves.

Child abuse and neglect, second paragraph, Definition. It says child abuse and neglect means the physical or mental injury, sexual abuse, negligent treatment or maltreatment of a child under the age of 18, etc. The question arises, what is negligent treatment? If a child goes to school three days in a row with a dirty face, is that negligent treatment?

Paragraph 3853; it tells you who shall report when any physician, resident, intern, medical examiner, dentist, osteopath, chiropractor, podiatrist, registered-licensed practical nurse, Christian Science practitioner, teacher, school officials, social workers, psychologists, child care personnel, mental health professionals, law

enforcement official knows or has reasonable cause to believe a child had been subjected to abuse and neglect, he must report it. This certainly covers the whole spectrum of anybody that comes close to any of these children.

In 3854 it says reports of child abuse or neglect shall be made immediately by telephone to the Department of Health and Welfare and shall be followed up with a written report within 48 hours.

Then it tells you what is required in the report. Such report shall include the following information and it is within the knowledge of the person reporting. The names and address of the child and his parents or other persons responsible for his care or custody, the child's age, sex and race, the nature and extent of the child's physical injuries, a description of any sexual abuse or neglect. Considerable controversy arose as to what is sexual neglect including any evidence of previous injuries, etc. Then immunity from liability, paragraph 3856; any person, official or institution who in good faith participates in the making of a report under this chapter or any judicial proceeding resulting therefrom, shall be immune from any liability, civil or criminal, that otherwise might result by reason of such actions. Well, if these cases are all reported as a result of inserting the word "suspect", the Department of Health and Welfare is going to be swamped. I would like to point out to you why.

In a letter from the Department of Health, Education and Welfare that was written to Mr. Edgar Merrill of the Maine Department of Health and Welfare, it is in reply to his letter. It says the State of Maine has inquired whether federal law would be satisfied if it enacted a reporting law that used the term "believe" instead of the term "suspected" so the reporting would be required where individuals knew or had reasonable cause to believe there was child abuse or neglect. This letter says, as a general proposition it would seem, they say it would seem that section such and such of the public laws establishes minimum requirements that a state must meet in order to qualify for assistance but does not preclude a state for feeding those requirements if it so chooses.

With respect to the reporting requirement in Sections 4-B, 2-B this means that a state may require reporting of more than known and suspected incidences of child abuse and neglect but not less. Thus, it becomes important to determine whether the Maine proposal to use the term belief rather than the statutory term suspect would require more or less reporting than the federal statute.

Neither the act nor the regulations define in the phrase "known and suspected instances of child abuse and neglect." The preface to the regulations, in fact comments that the language requiring reports of child neglect as well as abuse is sufficiently clear. Since nothing in the statute of legislative history indicates that Congress intended the word suspect to have other than its ordinary meaning, we have consulted Websters unabridged dictionary for a definition of the terms in question and found that suspect means to have doubts or to be dubious or to be suspicious about, distrust or to suspect ones motives or the cleanliness of an inn. To imagine one to be guilty, culpable, etc., on slight evidence or without proof, to suspect one of a theft or giving false

information or to be ill-disposed of another, to imagine something to be or be true likely, probable, etc.

What I am pointing out is, if you change this word from "believe" to "suspect", you might as well change it to the word imagine.

Paragraph 3857 says, whoever knowingly and willfully violates this chapter by failing to file a report as required shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both.

That means if someone imagines that a parent or a guardian is beating a child, he darn well better report it or he is violation of this statute and is vulnerable of a \$1,000 fine or imprisonment. That includes all those people in paragraph 3853, and one important word in there is teachers. I believe that teachers are in contact with children more than anybody probably, and if they feel that someone is neglecting a child or abusing them, they have got to report it, so the Health and Welfare Department is going to be swamped with these reports, for one thing, and what about the person who is reported just because someone imagines they are beating their child? There is a stigma attached that I wouldn't want attached to myself and there is also going to be quite a cost attached to those people who have to defend themselves in proceedings to prove they were not guilty of this imagined beating. I would urge you to reject this amendment and pass this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I think that there are two issues here; one that I consider to be the least important is the federal money that is involved and the other is the welfare of children.

The debate that we are hearing now is revolving around the use of two words, the use of the words suspect and believe. Again I would refer you to your bill, and we are dealing with L. D. 1680 now, which is a redraft, which states ones has to have reasonable cause to believe and the amendment would put in reasonable cause to suspect.

According to conversations that we have had with the Attorney General's Office, and a letter is supposed to be coming up within a few minutes, that doesn't mean that you can imagine anything, you have to have some even if it is slight proof, you have to have some reasonable cause to come to that conclusion. Then a report is made. It nowhere says in the bill that with reasonable cause to suspect prosecution will take place. This is simply when reports will be made. I think that is an important fact.

To deal with the issue of federal dollars, if we go with "believe," you will find, if you read some of the information that was passed out to you this morning, the State of Maine will no longer be eligible for the federal funds which it uses for its protective services. That will amount to between \$500,000 and \$600,000. That is not for new programs, that is not for research, that is for protective services to children which the state of Maine is now providing. If we continue those services the same level without the federal money, that is between \$500,000 and \$600,000 which is going to have to come out of the General Fund or some tax increase. We would have to make that decision either to raise that

\$600,000 or to no longer provide protective services for the children. If we go with "suspect", if we pass the amendment, then that will qualify us for the use of federal money.

I think more importantly as far as the welfare of Maine's children is concerned, if we adopt the amendment and use the word "suspect", it will mean, hopefully, that more reports will be made. I would say to you that if there is a fact of 200 or 500 more reports being made to the Department of Health and Welfare and it saves one child from being beaten or one child from dying from child abuse, then it is worth those extra reports and that extra work.

If we accept the bill as it stands now with the word "believe" in it, it means not that many reports will be made. It will mean that cases of child abuse and neglect will go undiscovered. It will mean that children will grow up not trusting people because they have been beaten, not being able to relate to others and not having the equal chances that everyone should have to grow to a full life.

Mr. Ault raised a couple of questions in his testimony, or his speech; one is, what is negligent treatment and suggested that, perhaps that a negligent treatment might consist of someone going to school some day with a dirty face. Mr. Ault knows that is not true.

In section 3852, Definitions, the definition of child abuse and neglect is that it means the physical or mental injury, sexual abuse, negligent treatment or maltreatment of a child under the age of 18 years of age by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby. That is very clear; that is not a dirty face.

Mr. Ault read you the list of people who have to make reports and that list is long. That list is comprised of those people who are most likely to come in contact with children, those people who are most likely to be able to discover the first signs of child abuse. Those are the people who will see the signs of child abuse and neglect before a child ends up in the emergency room or in the hospital. That list should be that long.

The next issue Mr. Ault raised was reading from the third page of the long list of information required. The information that is required is simply that information which is necessary to follow up a report. The doctor makes a report and says, I have or have had in my office a child who has been abused and doesn't list the parent's names and addresses, then how do you find out the information? That information has to be in the original report which goes in so that hopefully within a matter of hours the report can be followed up.

I have had the question asked me about why there was a unanimous report from the committee with the word "believe." I think some of the other committee members who were involved in this and interested in this and felt that the word "suspect" was necessary might be able to answer that question. I think at the time the report came out of committee there was a feeling that the House or the legislature would not be willing to go along with the word suspect, that it would raise controversy and that the word believe would make us eligible for the federal money that provides us now with our protective services. We found out now,

since then, that that is not true, and it is my understanding that many of the committee members feel now that the word "suspect" should be substituted.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: The remarks of the gentlelady from Owls Head, Mrs. Post, I think you should listen, I hope you listened very closely to what she had to say. She is a person that has had reason to deal with this problem very closely and I think she knows from where she speaks. She is one individual who can talk on this quite eloquently.

I feel that this bill, L. D. 1680, we have gone through a long period of hassles and problems trying to get a good piece of legislation together that would really do the job, that would really protect the abused child, and I wish I had the time here on the floor of the House to and the eliquence to get across to you that this problem of child abuse is a unique problem. It isn't something we can deal with in an ordinary way. The young child who is abused, and I have some material on my desk here, I wish you would take a look at it, the tragedy of child abuse, and it says in quotes "Mama used to Whip Her." This is a young child, Donna S.; they don't give her last name, 9 years old, she was severely beaten, 50 percent of her body was covered with second and third degree burns. Donna's father and stepmother were charged with first degree murder and her 15-year-old stepsister testified mama used to whip her mostly on the bottom but sometimes on the arms and legs with a belt or a paddle. When she got the burns and whippings, it was either red to purple or black, it was different colors. Now, I am not going to go along and read this entire thing to you. I think you pretty much got the picture from what you see here and from what I have handed out.

I am not even going to argue on this bill mostly in favor of the money, because I don't think this ought to be our prime consideration here. I think we ought to be supporting this bill because it is in the best interests of the abused child. Believe me, I have done research on this bill. I know what I am talking about. I have spent hours and time reading and plowing through reports and doctors and psychologists say that the abusing parent, the parent who does things like this, has real serious problems, they have had mental hangups and problems of their own. In many instances, these same parents who are abusing their children were also abused.

The reason we are insisting on the word "suspect" as the word "believe" is because really the title of this bill should read, not "An Act Relating to Mandatory Reporting of Child Abuse and Neglect," that is a little bit of a misnomer. It really should read "An Act to Deal with the Treatment, Identification and Prevention of Child Abuse". The reason we want the word suspect is so we can get at these cases in the beginning, because if the abusing parent isn't exposed, if the problem doesn't come to the attention of people, the abuse will get worse and worse. It starts off as simple neglect.

All these ridiculous things about, well, neglect is a dirty face — bologney, that is not true at all. I just don't buy that. The bill says, "reasonable cause to suspect."

I was a teacher for a couple of years, and I don't think I would feel any different if I was a

teacher right now. If I had a child come into my classroom with a black eye or a dirty face, I think the first thing I probably would think was that maybe Johnny got in a little hassle with one of the other kids in the class and the kid hit him in the eye and gave him that black eye, or maybe he has got the dirty face because he rolled around in the mud before he came to school. I mean, that is reasonable cause to suspect, but what I suspected was not child abuse. I think this is the last thing I would think of, because even I, at this point, even though I see the statistics, frankly, I am shocked to think that a parent would abuse their child, but it happens. There were nearly 5,000 cases of reported child abuse and neglect in the State of Maine last year.

I want you to realize, we are talking about almost \$600,000 and we are talking about the entire program of child protective services in the state of Maine that will go down the drain if this bill isn't right. I think the Feds in their letter have gotten as specific as they possibly can. I don't think they can go any further without laying it right on the line and saying definitely and stepping right in and saying you have got to have it, but I mean, it looks to me like 99 percent. Dave wants "suspect" in that bill. I have the act right here, the Federal Act, it uses the word "reasonable cause to suspect"—suspect all the way through the bill. It is there for anybody to look at. I have plenty of material here. I strongly urge you, for the sake of the kids, really, give some serious thought to this. I hope you go along with this amendment today.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify a couple of statements that have been made on the floor of the House this morning. One is that the reason why we have come out with a unanimous report is that at our last workshop session, we took a vote within the committee as to whether we would come out with a report with "suspect" or one with "believe," or one with "ought not to pass" or one with three reports. We took a vote, and it was just about even. — some for "believe" and some for "suspect." At that time, we did not have the telegram that the good gentlemen from York, Mr. Rolde, has from Washington saying that it must be "suspect."

But in order to come out with a unanimous report, this committee has done a great deal of work on this particular bill. We wanted to come out with a unanimous report. So to come out with a unanimous report, some of us conceded and went along with the bill as it stands now with the word "believe" in it. That is the only reason why we have a unanimous report.

Let me go another step further. The only reason why you have the word "believe" in the bill as it stands now, and as you read the bill, "suspect" is used throughout the bill eight different times. The word "believe" is used twice. And the only reason why the word believe is in the bill at all is because it was in the first redraft done by Charlie Cragin.

We have been in touch with Washington and we have been in touch with Boston, and I think we have been in touch with those people most concerned with this kind of legislation. And it is their feeling that the word "suspect" must be in the bill.

Like I said before, the committee has done a tremendous amount of work on this bill. It is a good bill. Last week, they were supposed to have a conference at the University of Maine dealing specifically with the child abuse and neglect and

specifically with the words "believe" and "suspect." And of course you know that meeting was called off because of the storm that we had. That is why we didn't report the bill out until after that, because some of us wanted to go to get further information on exactly what kind of language we have to have in this bill to get our federal funds. That is the way it stands now.

HEW at the federal level, HEW at the state level, those people that we have been in contact with, suggest to us that to use "believe" would be to jeopardize those funds.

I would also caution you to not just take that into consideration. This is a very important piece of legislation for the children of the state. I think we have an obligation to make sure that it is in the best possible shape before we see it through.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I am cosponsor of this bill. Representative Post has said most of the things I was going to say, and I hope you listened to her. I might just add, don't let the exaggerated scare tactics being used defeat this amendment. Think of the welfare of the children and support the amendment. Portland teachers support this. We had letters from them. In fact, one of them was even in court this week, has the courage to go to court to defend her position, and they like this amendment.

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

Mr. DAVIES: Mr. Speaker and Members of the House: Let me just mention two points on this matter. I don't know how many of you have worked with children who have been abused. I have. It is not a pleasant sight to see.

The way this bill was worded originally, it contained the word "suspect." It was only after the pressure of one man and one man alone, Mr. Charles Cragin, a lobbyist, that this was changed. And the reason why, and as it was so eloquently expressed in the minutes of the Governor's Committee on Children and Youth from February 18 of this year, the essential change in Mr. Cragin's draft of L. D. 201 was to delete the phrase "cause to suspect" and insert the phrase "cause to believe." The essential difference is that suspect requires more thorough follow through and broader investigation than believe. In this meeting, Mr. Merrill from Health and Welfare observed that Mr. Cragin was too powerful a lobbyist to fight and acquiesced to the change. These are the scare tactics that Mrs. Boudreau is referring to. Because his clients, the Maine Medical Association and the Maine Hospital Association objected to this, and not even unanimously, he came in to tear the very essence of this bill from it.

Now, if you use the word "believe," you have to wait until a child comes in with a broken arm or punctured lung or even worse damage, and by then it is too late. The physical damage is great; the psychological damage is greater. If you use the number of us who have stood and to catch those abuses before they get so far that the damage is irreparable.

The number of us who have stood and spoke in favor of replacing "believe" with "suspect" today I think reflects the feeling of a number of the people on the committee who would have preferred to have the word "suspect" in there, but in an attempt to get out a bill that would be unanimously favored by the whole committee and get passed in time so we could qualify for the

federal funds and have a law on our books that would attempt to deal with the problem, we went along with it. A lot of it was due to the fact that Mr. Cragin is a very powerful man in this state.

Perhaps some of you saw the Maine Times article on the back page of this week's issue, which talks directly about this problem. It is a testimony to how powerful that man is. And I ask this body today to stand up and say to the people of the State of Maine that we are independent voters, that we are independent thinkers and we will not have our decisions made for us by lobbyists who are paid huge sums of money by special interests to kill bills that they don't like.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: There is another problem here that I would like to address, and I would certainly in no way minimize the tremendous problem of child abuse and child neglect. But we have here a problem where the state has a duty to protect the children that are neglected and are abused this way, but we seem to be drawing the assumption in this bill that physicians and all of the people in 3853 would not report these things if given their free will. They have to be forced to report these things, that we have to fine them and we have to threaten them with six months in jail, otherwise they wouldn't report these things to the Department of Health and Welfare.

And having drawn that assumption both on the federal level and drawing it on the state level, and possibly it must be drawn, possibly the physician would not report the child with a broken arm that he honestly feels has been damaged by his parents, and I am assuming, I am conceding that this is necessary. We have now used in this particular bill the term "believe." He accepts as true, he accepts as true that the parents have broken the arm or burned the child or in some way damaged the child. And the amendment would change this to "suspect," imagines to be without proof. I think that when we are charging the physicians and the Christian Science practitioners and all people in the state to report to the state under the threat of a fine and imprisonment, I think that to use "imagine to be without proof" may open up an area where anyone who has a personal grudge or a problem with someone will report them, and they can honestly argue, we are avoiding the fine, we are making sure that we are covered and protected, and you may get a tremendous flood of these things coming in, often frivolous and without basis. So I hope you will stay with the term "believe," accept as true, because this at least puts some one on the individual to use their judgment in this.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I am on the committee that heard this bill, and we have worked for the last two months on it. Mr. Merrill of the Department of Health and Welfare, I asked him the question what he considered child neglect, and these are the words he said, that if the child possibly went to school two days in a row with a dirty face, his hair uncombed or his teeth not brushed, that this was neglect. He also made the statement that if a woman with children stayed in bed in the morning and

let her children get up and get themselves ready and off to school, that she was socially unbalanced, and this would be neglect. These are exactly the words that he said within the committee hearing in the work session.

If this legislature cannot form and shape a bill and have "believe or suspect" in it, and the federal government is going to tell us what words we can have in it, we shouldn't have put in the last two months of labor into this bill. We should have just asked the federal government to write it, send it up here and then we could either okay it or we wouldn't have to okay it, that it would be put into the Department of Health and Welfare and become a law.

As far as Mr. Cragin goes, he in no way influenced me in any way, shape nor manner. I vote my own thoughts and thinking on this matter. I have talked with Cragin and also with the department, and I find one lobbies against the other or the two of them lobby together, whichever way it sees fit, but I want this House to know that nobody, except my constituents, will influence my vote in any way.

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

Mr. MULKERN: Mr. Speaker and Members of the House: I would like to share this information with you. I just received a letter from the Attorney General's Office that Mrs. Post spoke about a few moments ago, and I will just read it to you.

"Dear Representative Post: This is a reply to your oral request whether the word "suspect" appearing in the referenced legislative document should be removed by amendment and replaced by the word "believe," because the former term has less meaning than the word believe, I understand that the word "suspect" has been ascribed no more meaning than someone's imagination.

"As we stated in the letter dated March 5, 1975, to Representative Mulkern, we recommend that the legislature retain the word "suspect" rather than replace it by amendment with the word "believe." Our reasons for that are as follows: 1. Federal legislation on this subject utilizes the language "known or suspected." 2. The word "suspect" has been interpreted by the courts as having more meaning than merely someone's imagination. In United States v. Rembert, 284 F. 996, 1001, the court held that the word "suspect" having reference to probably cause as grounds for arrest without a warrant is ordinarily used in place of the word believe.

"In Samuel v. State of Florida, 22 So 2d 34, the word suspected, as used in a search warrant, meant that the officer may search a person found on the premises covered by a search warrant where he has reasonable grounds to believe that such person was connected with the premises." In other words, believe there means suspect.

"We understand the federal government ruled April 14, 1975, that 22 MRSA, 3853, line 5, had to be amended by deleting believe and replacing it with the term suspect. This bill amending that law would produce the same result. For the three reasons given above, we continue to recommend that the legislature utilize the word "suspect" in L.D. 201."

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I am beginning to feel that maybe I am a little remiss and

that I don't hold Charles Cragin with the great awe that a great number of people in here seem to. As a matter of fact, many times I found him to be a sarcastic little man who talks a lot and I have always been able to turn my back on him and walk away when I didn't agree with him.

I have yet to see a federal communication that says the federal government will not give us this money if we have the word "believe" in this bill. I keep hearing "would seem" or "would jeopardize" but they never say definitely that we will not receive the money.

I would like to respond to Mrs. Post. She says that I said that negligent treatment occurs when a child comes to school with a dirty face on one day. I said three days in a row, Mrs. Post, and as far as I am concerned, if parents let their children come to school three or four days in a row getting dirtier and dirtier, that is negligence.

I would also like to point out that again Mr. Cragin wasn't alone in opposing this bill, because Mr. John Marvin also opposed the word "suspect."

I want to stop child beating as much as anybody in here does, but I am also concerned about the innocent parents who are going to be reported because someone imagines they are neglecting their child and therefore I want to see this bill passed, but I do move indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think the question has been raised again. I feel that I must respond on what is abuse and what is neglect.

Abuse of a child is a child who has cigarette burns all over his body. Abuse of a child is a child who has been scalded with hot water. Neglect is when you have a 3-year-old child who will only drink out of a bottle because no one else has ever bothered to try to teach him to eat with anything else. Neglect of a child is when you have a child who is two years old who has spent her entire life sitting in a tire and therefore is unable to sit up by herself.

I, at one time or another, have cared for all these children. They all reach the state of being in the hospital because nobody made any reports. And having done so, I find it difficult to believe that this debate is even taking place, and I ask you to vote against indefinite postponement.

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

A vote of the House was taken.

35 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

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

HOUSE REPORT — "Ought to Pass" in New Draft — Committee on Marine Resources on Bill "An Act to Create the Maine Fishing Gear Damage Fund" (H. P. 412) (L. D. 500) — New Draft (H. P. 1489)

(L. D. 1681) under same title.

Tabled — April 14, by Mr. Palmer of Nobleboro.

Pending — Acceptance of Committee Report.

On motion of Mr. Greenlaw of Stonington, the Report was accepted. The New Draft was read once and assigned for second reading tomorrow.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought Not to Pass" — Minority (e) "Ought to Pass" — Committee on State Government on Bill "An Act to Send to the People in a Special Advisory Election the Question of whether or not the Maine Legislature shall Repeal its Ratification of the So-called Equal Rights Amendment" (H. P. 851) (L. D. 1040)

Tabled — April 14, by Mr. Cooney of Sabattus.

Pending — Motion of same gentleman to accept the Majority "Ought Not to Pass" Report.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I notice that the gentleman from Sabattus is not in his seat; I would like to have this tabled until later in today's session.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I move that this be tabled to later in today's session.

Thereupon, Mrs. Najarian of Portland was granted permission to withdraw her motion.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion and I would like to speak very briefly to my motion.

I have a few questions here that I have written down that I would just like to ask and no answer is required except your own to yourself. Should widows be deprived of the preferential tax property and homestead benefits? I think you will find that under the ERA these are some of the things that will be taken out; that it will be just what it said, it will be equal. Should homosexual marriages be legalized and such couples be permitted to adopt children and get tax and homestead benefits now given to husbands and wives? This could very easily be. Should women in industry be deprived of legal guarantees against compulsory overtime? As of now, this isn't true. Should women in industry be deprived of legal protection against being involuntarily assigned to heavy lifting, strenuous and dangerous mens jobs? Should wives not employed outside the home be denied their present right to get credit in their husband's name? Should the Internal Revenue Service be given power to withdraw tax exempt status from religious schools and private schools that have single sex admissions policy and from churches and seminaries whose doctrine specifies a different roll for men and women? Should state legislatures and Congress be deprived of all power to stop or to restrict abortions? Should police departments be required to eliminate physical tests and to pass over qualified men so that women will be hired and promoted on a one to one basis and equally assigned to patrol duties? Should

fraternities and sororities, operating college campuses be required to end this policies of admitting only one sex to membership? Should all colleges, schools, military academies and physical education classes be required to become 50/50 co-ed? Should we invalidate all the state laws that make it the primary responsibility of the husband and father to support his wife and children and provide them with a home? Should women's present lower life insurance rates and lower automobile accident insurance rates be raised to equality with the men's? Should prisons and reform school be sex integrated? Do you favor transferring from the State Legislature to Washington, D.C., the power to legislate about marriages, inheritance, child custody, divorce, alimony, family property rights, insurance rates, prison regulations and protective labor legislation? If your answers are no to these questions, then you are opposed to the ERA, because that is what it will do. I hope you will oppose the motion by Mr. Cooney of "Ought not to Pass"

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I would first like to apologize to the Majority Floor Leader for not being in my seat prepared on the issue. I am sure Mr. Conners feels all his questions are rhetorical. I will let you answer them any way you please.

I feel the feeling of the majority of the committee is that we are not debating the Equal Rights Amendment today. We are debating only a bill which proposes to send the question to the people in referendum.

The majority of the committee had several reasons for not doing this. First of all, the United States Constitution provides for a referendum of sorts to proposed constitutional amendments to be ratified by the several states. That is a referendum for amendments to the United States Constitution. This has been in the past, and I think we believe still is, a satisfactory way of validating amendments. It is a good process.

The second point is that Congress has the power, the constitutional power, to receive and declare a vote on any amendment to the Constitution, and precedent has already been established in this regard where Congress has accepted yes votes, even when a state has voted to rescind its former action on a constitutional amendment. This happened during the ratification of the 14th Amendment providing equal protection of laws, and the Congress accepted a yes vote and there has been considerable constitutional debate about this question, but I think it is fairly clear that Congress will accept yes votes, regardless of whether we were to change our action or the people made some other decision.

Generally, this issue has been debated as far as the state of Maine is concerned, we have participated in the constitutional process of validating this amendment. We debated it in the 106th in the regular session. It was presented, had a huge public hearing, hundreds of people came, thousands of letters were written. You asked your constituents about it if you were here, if you were here, if you weren't, you saw voluminous reports from the press and people were aware of the issue. It failed narrowly in the regular session and was brought back again in the special session. We went through that process again, became sure of ourselves and did

vote, in fact to ratify this amendment. So the process has been followed here in this state.

The idea of a popular referendum is simply superfluous. It raises an issue which has been settled. It raises an issue which can not be retraced. So, I sincerely hope that without a great deal of further debate we can lay the issue to rest as we have. We have acted properly in this legislature in the last session. We did our part as one of the 50 states in validating this amendment. To have a public referendum is simply not necessary.

The SPEAKER: The Chair recognizes the gentleman from Biddeford Mr. Truman.

Mr. TRUMAN: Mr. Speaker and Members of the House: Would the Clerk kindly read the committee report?

The Committee Report was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Franklin Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just bring out here that at least ten states have turned down the ERA amendment this year, and thus far three states who had previously passed it have reversed their position as we are now asking Maine to do. I think that the people — where this was a close vote and it was decided in the Senate by one vote, I have had a number of people come to me through the district and through the state that they would like to have the opportunity to vote on this, whether they want the legislative body to change their vote. I believe that people have a right to this voice. I would hope that you vote so that the people can vote to see whether we should withdraw or change our vote previously from the 106th Legislature, and I hope you will go along with me.

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

Mrs. BERRY: Mr. Speaker, and Members of the House: I am not on my feet to debate this this morning particularly, but I would like to refer you to one of the first bills that we had that was going to change workmen's compensation to workers, and a lot of people here in the House were laughing about this. I am sure that you will see many more of these bills come before us and they are not going to be as laughable.

It is my opinion that perhaps the committee doesn't want this to go to the people because they are afraid of what might come out of it. I am going to vote along with Mr. Conners this morning.

The SPEAKER: The Chair recognizes the gentleman from Westbrook Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't understand why certain members of this House refuse to have certain issues go to the people. But we have members in this House who don't like certain things to go back to the people because they have their beliefs and reservations and they feel that they are perfect and that if they say it is all right, then the people back home should agree with them. Therefore, if we have such people in this House, and we do, I believe that we should let the people back home decide.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: There has been some discussion come up as to whether we

can or cannot change our direction. I am not completely sure as to how I will vote on this even right now, but I think it should be clarified that the Supreme Court has never clearly, as I understand it, made a decision as to whether we can or cannot change our direction prior to final ratification of an amendment to the Federal Constitution.

The most interesting case that has come up is the 14th Amendment, which has been mentioned here. There are many people who feel the 15th Amendment possibly was not ratified, that it was hastily shoved through by the Reconstruction Congress after the Civil War. Some of your southern states, particularly Virginia, has spent a great deal of time researching this. They have put out some excellent publications indicating their feeling on this. I don't think the decision as to whether we can or cannot change our decision after we have made a yes decision should be the compelling factor in this situation or on this floor.

Mrs. Berry of Madison 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 Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, I think I am not incorrect in saying that even if this went out to referendum, and even if the people passed it, that it would not change the State of Maine's official position on the Equal Rights Amendment. It would still have to come back to this body because this legislature is the only unit designated by the U.S. Constitution under these circumstances to pass on this bill. I guess what we are asking for is the advice of the people, but when it comes back, it still has to be this body that will have to vote to change its mind. That would have to be in the 108th Legislature, no doubt.

The SPEAKER: The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that the House accept the Majority "Ought not to Pass" Report on Bill "An Act to Send to the People in a Special Advisory Election the Question of whether or not the Maine Legislature shall Repeal its Ratification of the So-called 'Equal Rights Amendment'" (H. P. 851) (L. D. 1040) All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Birt, Bustin, Byers, Call, Carey, Carpenter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Farley, Farnham, Faucher, Finemore, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kennedy, LaPointe, Laverty, LeBlanc, Lewis, Lovell, Lunt, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahan, Miskavage, Mitchell, Morton,

Mulkern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Saunders, Smith, Snow, Spencer, Sprowl, Susi, Talbot, Tarr, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY — Berry, G. W.; Bowie, Burns, Carter, Conners, Cote, Curtis, Doak, Durgin, Dyer, Fenlason, Flanagan, Fraser, Hunter, Hutchings, Joyce, Kelley, Laffin, Leonard, Lewin, Littlefield, Lynch, MacEachern, Mackel, Mills, Norris, Perkins, T.; Peterson, P.; Raymond, Rollins, Shute, Silverman, Strout, Stubbs, Theriault, Torrey, Walker, Webber.

ABSENT — Ault, Blodgett, Boudreau, Carroll, Dudley, Gray, Hinds, Immonen, Jensen, Kany, Lizotte, Martin, R., Morin, Snowe, Teague.

Yes, 97; No, 38; Absent, 15.

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

Sent up for concurrence.

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

Mr. **JALBERT**: Mr. Speaker and Members of the House: I rise on point of parliamentary inquiry. If I ever mentioned that the Senate, "the Senate voted 17 to 13 on a bill" how long would it take you to gavel me down?

The **SPEAKER**: The Chair would advise the gentleman that if he were referring to action during this session the Chair would maintain that he is out of order. The gentleman was referring to a previous session.

(Off Record Remarks)

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

House Divided Report — Majority (7) "Ought to Pass" in New Draft — Minority (6) "Ought Not to Pass" — Committee on Taxation on Bill "An Act Relating to Amount of Annual Excise Tax on Railroads" (H. P. 125) (L. D. 158) — New Draft (H. P. 1494) (L. D. 1740) under same title.

Tabled — April 14, by Mr. Drigotas of Auburn.

Pending — Acceptance of either Report.

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

Mr. **SUSI**: Mr. Speaker and Members of the House: I move the indefinite postponement of this bill and all of its accompanying papers and would speak to my motion.

The **SPEAKER**: The gentleman from Pittsfield, Mr. Susi, moves that this bill and all accompanying papers be indefinitely postponed, and the gentleman may proceed.

Mr. **SUSI**: Mr. Speaker, Ladies and Gentlemen of the House: First off, I would like to inform you that this bill involves an appropriation of about \$615,000 which, in my opinion, would be a recurring annual expense to the State of Maine and would accrue, at least for this year, solely to single company, namely Maine Central Railroad. My point is that this is a lot of money and money will generate a lot of gyrations, and I think we are just embarking on them now.

I would like to further explain that the facts related to this bill are seriously most obscure. There is all sorts of information

that pertains to the bill. Some of it holds water and some of it doesn't. The facts that I mainly will be offering you here today became available to me only after a lot of digging in a lot of places. The information isn't readily available, so it is possible to come to conclusions on this bill that, in my opinion, aren't at all warranted based on only the facts that come to you readily.

I would like to further, at this time, ask your cooperation in voting against any tabling motion that may be offered here today on this bill, because at that time I will not have any opportunity under our rules to explain why I prefer that it not be tabled.

The background of this unusual request is as follows. At the hearing I recognized four lobbying firms that were appearing in support to this bill and they were substantial firms with considerable capabilities. Obviously, the information that was given us at the hearing was only the information which would support this bill. It has taken about two months to dig up the information which would run counter to the bill and which I hope to share with you here this morning.

The point is in asking you to vote against the tabling motion, if we should debate the whole thing here this morning and then a tabling motion prevailed over night we know of four lobbying firms who can go to work and obviously the entire staff of the Maine Central Railroad, and there are only a handful of us legislators who have taken up this issue and there is just no way in the world we can match their efforts. So this has been around about two months here. They have had every opportunity to present all the information available on this subject, but if they approach it from a different tack, there is no way two or three legislators are ever going to meet the effort they can make in behalf of the bill. So, I would ask that you vote against any tabling motion that might be offered.

I would like to make clear at the start that my opposition to this bill does not come from any habitual anti-industry stance. We have before us in this session other legislation which would give a thoroughly deserved and, in my opinion, urgently needed benefit to, for instance, Soburn Chemical Company, which could well be the determining factor in their establishing a \$40 million plant in Maine to meet the expanding needs of the paper industry, which plans to double its capacity in this upcoming decade and would, incidentally, increase railroad income \$2.1 million a year to start. For instance, I would like and have supported this and I hope that we can pass it and fund it.

Another one I wish we could give a break to is the Martin-Marietta Dragon Plant in Thomaston, which just yesterday announced that they have continued the postponement of their opening down there, after having \$20 million in a beautiful, efficient, new plant which should be running every day and furnishing employment to our people. In the last year, we have increased the taxes on their fuel three or four times and fuel is a principal ingredient in the manufacture of cement. I wish we could do something for them to help make it possible for them to continue their operations here in Maine.

I am trying to establish that I am not anti-industry, but I have no doubt in my mind, none whatsoever, as to the complete lack of worthiness of this legislation which we have before us this morning. If there is

any justification for entering this bill, it would be based on the thought which was once prevalent in these halls, that what you can get, by whatever means, from the Maine Legislature, is what you are entitled to.

Those of you, who are students of the history of the Maine Legislature know that this was the rule of the game during most of the history of the state and that only in comparatively recent years has the public welfare been a major consideration. The bill we have before us is, in my opinion, what I hope will be one of the last vestiges of the old system.

As to the contents of the bill, it provides that railroads be excused from a state excise tax based on gross receipts of the railroad but considering also the annual profits. One quarter of one percent is the minimum rate. The background of this tax, this excise tax, is that the Maine Legislature in the past years has seen fit, for whatever reasons, to extend to the railroads a tax break which no other segment of our economy has enjoyed; namely, it has replaced the property tax on railroads rights-of-way, which obviously would have no relationship to the companies profitability by this excise tax which provides that only when the railroads make very substantial profits will they be subject to more than a token tax.

In simplest terms, the Maine Central Railroad, as one of our Maine railroads, in 1974, had record profits and becomes subject under the law to a higher level tax and this bill which they support would excuse them from this tax increase to the tune of \$615,000 for this year. I have said that I believe this is recurring, every indicator available to us indicates that Maine Central Railroad is coming into a period of growth, and this is something I am very happy about and I am sure that you are. Their principal customer is the paper industry. They have almost exclusive hauling for the companies that produce paper here in the state and the paper industry stands to double conservatively in the next ten years, a sum of \$600,000,000 of expansion in the works for the paper industry, so I think that the \$615,000 provided for under this bill would be at least at that level on the average for the next ten years and probably in excess of that.

The original argument that was given to support this unusual request was of such a flimsy nature that in the latest of several meetings, which the Tax Committee members have had with various railroad officials and lobbyists on this subject, the supporters of the bill have abandoned this argument with the committee, but since this argument may be dragged up here again this morning, I suppose we have to deal briefly with it.

The Interstate Commerce Commission, in order to encourage freight car construction and maintenance, several years ago provided for a car charge known as incentive per diem. This charge, in 1974 generated \$2.3 million to Maine Central Railroad out of some total \$30 million revenue which they received. Interstate Commerce Commission further says the proceeds of incentive per diem may be used only for car repair and replacement. The railroad says that since the particular dollars, the \$2.3 million, cannot be used to pay their excise tax, that in effect their profits should be reduced by the amount of these revenues resulting in a tax reduction of \$615,000. I can only describe this assertion as ludicrous.

I won't take any more time with this — it is quite technical. It is only if the proponents of this bill offer this as a justification for the bill will we deal with it further. I have checked this with many other people who are thoroughly competent in the field of accountancy and there is no basis for the bill under the premise under which it was originally offered. So the proponents having abandoned this premise, then contend that this relief is deserved based on hardship.

Now, if it were true, that the Maine Central Railroad or other Maine railroads were truly in a position of hardship, I sincerely would be in the forefront in any effort to maintain them, recognizing that they, both railroads and certainly Maine Central Railroad, are very, very essential to Maine's economic health. I am absolutely and completely and thoroughly convinced of this. We need the Maine Central Railroad and we mustn't, under any circumstances, do anything to hazard its welfare. I think it is going to have an increasing role in our economic life here in Maine and we must be certain that the Maine Central and the Bangor-Aroostook are maintained in healthy condition.

It is a fact that major railroads around the country right now are in terrible shape and this should particularly encourage us to keep an eye on the health of our railroads here in Maine so that the problems that are besetting other railroads around the United States will not strike them.

Well, let's see what the real situation is with the Maine Central Railroad, since B&A is not immediately affected, since their profits have not reached the level where they have been subject to any more than the minimum tax which is applicable. As to the Maine Central Railroad, their 1974 earnings, after taxes, were \$6 million plus some-odd thousand, I forget, compared to a million and a half in 1973 and a rather modest earnings picture in previous years. There are a 140,000 shares of stock outstanding in Maine Central Railroad.

In answer to an inquiry of the people from the railroad as to what the market price per share on Maine Central Railroad stock is right now, we were told that it was supposedly \$46. Those of you who dabble in stocks will take some meaning from this. I am trying to establish what the situation of need for the Maine Central Railroad is right now and one of the measures of the health of the company is what its earnings per share is in relation to the price of its stock. The price of its stock right now is \$46 and it earned \$44 per share last year. I think that is quite a reasonable earnings record.

Another factor, in my opinion, that would affect a judgment as to the health of a company, if a company is an orphan child and no one else is interested in it, and its waning and seems to be destined to failure, that is one situation. The fact of the matter is that people are trying to get control over the Maine Central Railroad, which indicates to me that there is a widespread recognition that it has a very healthy future.

It was reported in the Portland paper, back two or three weeks ago, the Portland Sunday Paper, that one third of the stock ownership in Maine Central Railroad rests with a gentleman which was described in the article as a Boston Financier. Since one third of the ownership of the railroad is with this one man, then one third of the benefits under this bill, were we to enact it, would accrue to this same person. Now,

one third of a \$600,000 benefit would be \$200,000 per year, and it is completely reasonable today, at interest levels as they are, to capitalize on annual return at 10 percent rate, so \$200,000 capitalized on a standing basis at 10 percent would increase the value of this man's stock \$2 million. I wonder if we want to be part of such an action here. Is this responsible to Maine's people, not just because he lives out-of-state, I certainly have no objections to the fact that he lives in Boston, but do we want to be doing this person and one or two other principals who own about all the stock in Maine Central Railroad, do we want to be doing these sorts of favors when we have the needs that we do have here in Maine?

I could go on indefinitely developing this and I am sure others will have ideas on it and perhaps I will have a chance to participate again. I think that perhaps I have given this pitiful relic of the past more attention already than it deserves. What does deserve our time and attention here this morning, I think, is our ascertaining that every Maine Legislature and every Maine Legislator can get to recognize such legislation as we have before us here this morning for what it is and better be able to guard against occurrence of such attempts in the future.

I hope that you will join with me this morning in serving notice that the Maine Legislature is no longer a grab bag, that we no longer do our business in hotel rooms but anyone that offers any legislation before us here this morning for what it is be ready to have every aspect of that legislation exposed to the open in every detail. I hope you will join with me and vote for the indefinite postponement of this legislation.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: First off, I would hope that you didn't vote to indefinitely postpone this. It is a good piece of legislation. It, perhaps, is a must for our Maine railroads.

I would like to read you a little bit to clarify some of the items that have been talked about. Favorable action on L. D. 158 "An Act Relating to Amount of Annual Excise Tax on Railroads" is vital to the economy of Maine and the future stability of Maine's railroads. Maine is served mostly by railroads which are solvent — thank God for that. This is, in itself, a major accomplishment, considering the bankruptcies and reorganizations of most of the railroads in the northwestern part of the country.

We, as legislators, have a vital interest in the solvency of Maine railroads and the continuation of adequate freight service. Maine industries are greatly dependent upon rail transportation. The pulp and paper industry, which is the backbone of Maine economy, could not exist successfully in Maine without adequate rail service. Laws which are harmful to the railroad industry in Maine and which could result in deterioration of the financial condition of Maine railroads should be changed and L. D. 158 is a necessary step in that direction.

Due to an unprecedented ruling of the Interstate Commerce Commission in 1970, Maine Central Railroad will experience an unfair and harmful tax burden for the year 1974. The Bangor and Aroostook Railroad, although it escapes this same unfair burden of the excise tax this year, could be faced with a similar situation in future years. Funds which have been restricted

by the Interstate Commerce Commission for specific purposes and which are not available for general corporate purposes artificially increase Maine Central's net operating income for 1974 to a point where the tax burden becomes unfair and excessive. The Maine Central Railroad's excise tax will increase from \$62,000 for the calendar year 1973 to \$690,000 for the calendar year 1974, a nearly tenfold increase. The irony is that 90 percent of Maine Central's ordinary income for 1974 is made up of escrow restricted funds designed to increase the railroads box-car fleet and improve service for Maine shippers, and these funds are not available to benefit stockholders or creditors of the railroads, and it is very important that you take note of that.

L. D. 158 is an amendment to the excise tax on railroads which would provide for their restricted funds to be deducted from net railway operating income for the computation of the excise tax. If L. D. 158 is not passed, the Maine Central Railroad will not have enough ordinary income left over after the restrictive funds are removed to pay the tax. It is obvious that if this continues for a few consecutive years, Maine Central could find itself insolvent. It also should be noted that even if L. D. 158 is passed, Maine Central Railroad will pay \$400,000 more in state taxes this year than last, including a 15 percent increase in the excise tax pay.

The present law provides for a double taxation on restricted funds, both a corporate income tax and an excise tax. L. D. 158 is supported by all those parties knowledgeable and concerned with railroads. Supporters came from the Maine Department of Transportation, the Interstate Commerce Commission, rail shippers in Maine, Maine Central Railroad, Bangor and Aroostook Railroad. I urge my fellow legislators to carefully consider this legislation as a necessary and fair solution to a problem created by a unique Maine excise tax law and especially rulings of the Interstate Commerce Commission.

I would like to read you the statement of fact on the bill. The Interstate Commerce Commission presently restricts two forms of railroad income, incentive per diem and a portion of a recent freight rate increase. In each case, the income is not available for general railroad corporate purposes, cannot be used for dividends, bond interest or benefit of owners or creditors. The railroad does pay a tax, a property tax, on all spurs, on all buildings located in all the towns of Maine that they operate in, and this amounts to quite a large sum of money. I would like to point out that over the last several years, Maine Central Railroad has only paid dividends on three occasions, I believe.

When the vote is taken, I would request a roll call, and I would hope that you would turn down the indefinite postponement so that we can accept the majority "ought to pass" report of the committee.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I had hoped to spare you this dissertation but I do feel as though I have got to get up here and tell my story.

I came to the hearing on this bill favorably disposed towards it. I had been lobbied by my local shippers back home and, of course, they had had their information from the railroad. So, I was prepared to go along with the bill, because

I certainly feel exactly as the gentleman from Pittsfield does, that we have to have the railroads in Maine. They are highly essential. But I hope you listened carefully to what he said, because this is special interest legislation designed for the benefit of one company and very carefully constructed by people who are obviously going to benefit.

In the hearing, it was very well conducted. The first thing we were told was that the Maine excise tax law for railroads was a very fair law, one of the fairest in the United States. They were very happy to live with the Maine excise tax law. The only reason, ladies and gentlemen, is this rinky-dink proposal that is before you today is because in 1974, the Maine Central Railroad made a lot of money.

Once in a while in my business we make some money, we didn't make it last year, but of course you people make money occasionally in various businesses, and when you do your taxes are increased. However, I point out to you that your property taxes stay the same. Now, remember, the excise tax we are talking about here is an excise tax which is in lieu of property taxes and many, many years ago, probably a hundred years or so, I am not sure when, the railroads, through their lobby, decided that they didn't want to pay on property taxes on the main lines running through all the various towns, and I can understand that, the difficulties of assessment in many, many communities would be paramount, so they established a method of collecting a tax in lieu of that, which is called this excise tax. Over the years that has been changed considerably until — and I could go into details but I don't propose to unless you ask me to — they have got down to the present situation which they called in the first instances very fair. Then you got on your desks a few days ago what is called a necessary amendment. Well, I will tell you, it is necessary if you are stockholder of the Maine Central Railroad; it would be very advantageous anyway. I don't know it is necessary, and the first thing about it, it says it is an unfair, repressive tax. Well, ladies and gentlemen, this excise tax, which is in lieu of property taxes, is the only property tax that I know of that any of us have to pay, which has got a clause in it that provides for no payment when your income drops, and that is exactly what this law calls for, and the normal rates which would prevail for many, many years in the area of 3½ to 5½ percent of gross railway operating revenues, by good lobbying through the years, in 1951 they got a so-called circuit breaker put in so that if they go below a certain point they don't have to pay any of this excise tax. But you know, even they couldn't stomach that and they didn't feel as though they could put up with that, so they put in what is called a minimum. Now when they first put it in in the 1950's, it was 2 percent. In 1970 it was dropped to one percent, in 1971 9/10 of 1 percent and today the minimum is down to a quarter of one percent.

The Bangor and Aroostook Railroad is at the minimum, because their revenues last year were not enough to bring them into the normal taxing level, so they go at the minimum, and Maine Central was in this position for many, many years. However, I would point out in passing that even as late as 1970, when it was one percent, they paid well over \$200,000 on this tax, and slightly less the following year when it was .9. They would like to get down to the quarter of one

percent, and who can blame them? The point remains that in saying that these funds, which the ICC has restricted to the construction of boxcars, pass right straight through the whole operation from the time they come in until you get down to the profit line, is absolutely specious, it is a mirage, and they are taking you down the primrose path, if you want to believe that one.

A direct question asked to Mr. Peters in the hearing was, have you spent this money to build boxcars? And obviously he answered honestly, yes, they had. So if you look at this whole picture, and they are trying to give you the impression, the gentleman from Jay, Mr. Maxwell, points out that the very solvency of the railroads depends on this.

The rules that the ICC set up were for construction of boxcars. That is what they have used the money for, and it certainly wasn't available, as the statement of fact says, for dividends, bond interest, or benefit of owners or creditors. Now, dividends, of course, is benefit of owners, bond interest is the benefit of creditors, so that is a duplication of conversation right there. But the point remains that this attempt to delude this legislature into thinking that certain dollars which come in at the top stay all the way through down to the bottom line and never get used is absolutely false.

The gentleman from Jay called this an artificial increase. Regardless of whether it is artificial or real, it is real dollars coming into the railroads, they are very happy to have them. Had they made, instead of the figure that showed up in this pamphlet, if you will look at page 10, line 2, net railway operating income, \$3,405,000 in 1974. That is operating, that has nothing to do with the figures that the gentleman from Pittsfield used, because he was talking about the whole corporation. This is just the operating section. They claim that that includes \$2.9 million, or \$2.7 million, I believe it is, \$2,758 of income which they can't use for anything else but building boxcars, and I submit to you ladies and gentlemen, it was long ago used for building boxcars. And the dollars that show up in this \$3,405,000 are just the same kind of dollars that every other dollar is that the railway has to operate with.

The thing that is missing on this sheet, line 10, is the line that you might call one and a half, because that is where all the money is spent, and that is where all of this net railway operating income, per diem, the per diem income has been spent, to build boxcars. So to say it is all down there in the profit line and can't be used for anything else is absolutely specious. Had they only made \$2,758,000 last year by the operation of this formula that we are using, there would have been nothing but the minimum that they would have had to pay, and I asked the gentleman from the Maine Central Railroad, do I understand, then, that you would prefer to be in the position of never making enough money to get into the higher pay on the excise tax formula? And he kind of smiled and said, well, no, of course he didn't feel that way. They would like to make a lot more money.

The point remains, ladies and gentlemen, if they get below a certain point, in this particular year it was \$2,758,000, they would not have been in a position of having had to pay this higher figure. So there is a very definite floor, and to say, as the gentleman from Jay did, that this would create bankruptcy, I don't know how you can go bankrupt making \$2.5

million a year. So the whole thing is a mirage, it is a beautiful story. I hope you listened to the gentleman from Pittsfield, and I hope you don't believe the story.

This is bad legislation, and it should go down the drain. The fate of the railroads in the state of Maine will not depend on the tax policy that the State of Maine presently had on the books. If the railroads are not successful in the State of Maine, it won't be the fault of Maine tax policy.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't planned on speaking on this this morning, but it looks like it is a lop-sided ball game, so I guess I will.

I have received letters from my union people back home in Westbrook, not the state union, the home people. I have received letters from S.D. Warren Company, which is the largest employer in our county, and I don't care whether Central Maine Railroad makes a million dollars or whether they don't make anything, but I care about the jobs back home, and they affect the jobs in our mills, and we need that mill going, and this railroad supplies S. D. Warren Company, and the people need their jobs. That is what I am interested in.

The railroads across this country are in a devastating shape today, and we know that. Look at Old Union Station, a pitiful thing that was torn down. You have got half a shopping center down there now. I don't know whether it is from taxation or what it is, but it is a pitiful sight in the city of Portland, and I don't represent Portland, and a lot of times I am glad I don't. But I represent Westbrook, and the city of Westbrook depends on S.D. AKALLZH Company, and the people that it employs are the people that I represent, and if we can do one thing to keep jobs in this state and to help jobs and to keep our people working, to me that is good legislation.

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

Mr. CAREY: Mr. Speaker and Members of the House: The gentleman from Farmington, Mr. Morton, spoke of a mirage, and I would like to carry him through a mirage that we have in Waterville called the Waterville Shops, which employ over 400 people, which have 35 people dedicated to work specifically on the rebuilding of cars. It was my understanding of the incentive per diem monies that that money was earmarked especially for the rebuilding of cars. Now if anybody has any different information, I would certainly like to have this substantiated.

I am concerned that the gentleman mentioned this is a special interest bill and it is legislation for only one company. Mr. Maxwell from Jay mentioned to us that Bangor and Aroostook Railroad hopefully next year will be in a position to take advantage of this incentive per diem business, and it is all based on the number of boxcars that you have on other people's lines. This is what the whole money revolves around. If these railroads are not moving your cars, they are paying to hold those cars up.

If the Bangor and Aroostook is going to be taking advantage of this next year and if the Maine Central is now hopefully taking advantage of it, which I know to be a fact, based on the work going on in the

Waterville Shops, I would like to ask the gentleman just how many railroad companies are there in Maine?

The excise tax, it is my understanding, is not charged in other states in the United States. This money is earmarked specifically for the rebuilding of cars. It goes into an account. The money that would be paid on taxes from this income would not come from that income, would have to come out of operating funds.

Currently, Scott Paper Company is building a tremendous plant in Skowhegan away from its main industrial plant, and the railroad has a program to use some of this money, and most of this money, to rebuild cars to service the Scott Paper Plant up in the Skowhegan area. This is a bill that is needed. It is money that is not currently coming in. Apparently both of these gentlemen on the minority side failed to inform you of just how much money we took in last year. This is not money that is being lost that is already coming in. This is new money that hopefully would be gained through taxation, maybe either one of those two gentlemen or somebody else could answer some of these questions that I pose.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we could see passage of this bill. I don't agree with my good friend from Pittsfield, Mr. Susi, when he speaks of appropriation, because I will grant that Mr. Susi is a lot more intelligent than I am, but I have always accepted the principle that what you have never had you never lose, so the State of Maine has never had this money, so they are never going to lose it. This, if it is changed now, does not require an appropriation. It is a potential loss of revenue.

Now, my good friend from Farmington, Mr. Morton, calls this a rinky-dink proposal, I don't call it that. I think we are in a serious state of affairs today in the State of Maine.

Mr. Carey has referred to the mill in Skowhegan. It is a \$300 million investment when they are done, and it will have to be serviced by the railroads. Most of the wood coming into that yard will have to be brought in by cars.

The mill being built in Skowhegan is an entirely different concept in paper mills being built in the State of Maine and throughout the country. Many of you, when you think of pulpwood and paper mills, you are thinking of four-foot logs. The mill in Skowhegan does not plan to use any four-foot logs, only those that they buy from the independent producers that do not have equipment to use to haul the long logs. The mill is designed to use tree-length logs. The mill is designed to utilize every bit of the lumber coming into that site. It is true that the stud mill has been set aside for a while, but when the economy, the economic picture changes, there has been enough work done on the stud mill that that work will proceed too and we will have the stud mill operating with the dimensional lumber. The scrap that is left over will go into boilers to generate power, and the mill will be almost self sufficient. But they must have these logs in order to run their mill. That mill is going to create a lot of new jobs. That mill is going to put my town of Skowhegan in the position of being one of the rich communities that is going to pay into the State of Maine under L. D. 1994.

Right now, we are receiving the benefits from the state, but in less than two years, we will be one of the pay-in communities.

Mr. Morton also said this is a change of the excise tax laws. It is not a change of the excise tax laws as far as taxation is concerned. It is a change of the excise tax law as far as the federal government is concerned.

When the federal government enacted the per diem incentive fund, the law was written for the United States. They did not look up into the northern section and exclude the State of Maine. It is unfortunate that our excise tax law is written the way it is, and this is what this would tend to change. It is nothing that has been dreamed up out of the air by Maine Central Railroad, and I could care less who the stockholders are in the companies. I could care less whether the stockholders reside in the State of Maine or some other state as long as that money is coming in to keep the railroad going.

Mr. Carey has spoken about the jobs in the Waterville yards, and what he has told you is true. This is added employment in Kennebec County, as well as employing some of those of Somerset County.

In a letter from the Interstate Commerce Commission to Mr. Horace Foster, Corporate Vice President of the Maine Central Railroad, he says that as you are aware, the funds generated by incentive per diem income, net of applicable income taxes, shall be used solely for acquisition of plain, unequipped boxcars. This is consistent with the commission's aim to alleviate the national fleet shortage of these cars. These funds are, in fact, held in trust and thus do not become a part of the general assets of the carrier. They cannot be used for payment of the State of Maine excise tax applicable to the related earnings. Then he goes on to say that in view of the mitigating circumstances, in my opinion it would be appropriate and equitable to adjust net railroad operating income by excluding the incentive per diem income in calculating the state excise tax as you propose. I trust that you may be successful in attaining the state tax relief thought. If I can be of further assistance, please do not hesitate to advise. Very truly yours, John A. Grady, Director. This came from Washington, D.C., from the Interstate Commerce Commission.

So it is not something that has been dreamed up by the stockholders or by Maine Central Railroad, and it surprises me when people in this legislature can stand up and say how they value industry in the State of Maine, how they want industry, they want jobs, but stand up and speak against something like this.

This, in effect, is the same thing that if someone walked up to you today and gave you a hundred dollar bill and said, this is yours but you can never spend it, and this really, in essence, is what the federal government has said to the railroads when they say you must use this for boxcar repair and then the State of Maine says you must figure it in your operating income. So this is a reasonable approach and it is the only approach, and as far as the gentleman from Pittsfield saying he would be the first one to stand on the floor of the House and support Maine Central Railroad if it became an ailing condition or hurting condition, I don't think we should wait until the railroad becomes almost bankrupt or until the railroad faces severe or serious financial problems and then start what has been referred to on

many of the bills this last three weeks or so as bandaid procedures.

I think before us we have got an L. D. that can keep Maine Central Railroad healthy. I think we have got an L. D. that can keep the economy in the State of Maine moving ahead, and they can help us move ahead a lot faster.

We have heard the gentleman from Westbrook, Mr. Laffin, tell you that S. D. Warren needs this bill. I have also told you that Scott needs this bill. I have had letters from other industries; they need this bill. And the only way that we can keep our railroad healthy is by the passage of this, and it is not a loss of revenue, because again I will tell you, Maine has never had it. So what you have never had, you do not lose. But if this is allowed not to become law now, then it will be very hard in future sessions to repeal, because then you will have a loss of revenue. So I would hope today that you do not go along with the motion of the good gentleman from Pittsfield, Mr. Susi, for the indefinite postponement.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I suppose I have no right to speak on this, I don't know much about it. Anyway, the gentleman from Farmington, Mr. Morton, stated that they would be very pleased to get down so they would be paying one fourth of one percent. I disagree with this very much, because when they are down to one fourth of one percent, they are not making any money. If they aren't making money, they aren't going to go on.

These railroads all pay taxes on everything to the towns they are in with the exception of their right-of-way, which is paid on another tax to the State of Maine. That is an other mistake that has been put before you this morning.

Again, I would like to tell you, if it wasn't for the salvage that these railroads are getting from tracks that they are taking up, it would be impossible for them to go on. And I would almost go along with the gentleman from Skowhegan, Mr. Dam, that the new track that they will build in to Skowhegan for this new mill would be all salvage, because today they are taking up tracks, not only on the B & A but on the Maine Central. They are taking them up, and that is the only way they are getting by.

I don't suppose you realize that when they take up a track of a hundred pounds steel or 150 pounds steel, they are taking up 135 rails for miles, which costs hundreds of thousands of dollars. They are also salvaging some 2,600 ties when they are taking these up, and that is the only thing today that is keeping these things possible and making them possible. This is three years out of ten, in other words, seven years that the Maine Central was unable to pay any dividends of any kind, shape or form.

And again, to make one correction this morning a little simple here, they can buy new cars out of this; they have to buy so many new cars before they can use the balance of this money to repair cars. And if it wasn't for the railroads in Aroostook County, I don't know what we would do. I think it would be utterly impossible for trucks to bring everything out of Aroostook, especially the pulpwood. The pulpwood today is moving hundreds of thousands of cords in Aroostook County and keeping it going.

Also, the payroll, that is something that hasn't been mentioned this morning. The payroll of the Bangor and Aroostook Railroad is a great thing to our communities throughout Aroostook County and throughout the State of Maine, and I hope this morning that you do not listen to the two bedtime stories that we heard earlier in regard to this. I hope you will not go along with them. They were well prepared. The gentleman from Farmington and the gentleman from Pittsfield, Mr. Susi, have well prepared their speeches. I admire them for preparing speeches that way. They have done a lot of work this morning, and I hope you will vote against their motion, though.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am mildly interested in this legislation because we are trying very hard up home to put together or rejuvenate an industrial base that has almost completely deteriorated in the southern Piscataquis County area that has been formed almost completely around the assumption that rail service would continue into that area of the state into the future. Just to give you a little background why I am going to ask quite a few questions here regarding this bill, I want to tell you that we are talking in terms of a 120 or 130 acre industrial park built on a railroad siding. If that railroad siding should disappear, that industrial park would be worth a heck of a lot less than it is today. It would be just another field.

Many of the people that we have contacted are interested in perhaps settling in that area because of the railroad. I have got to be sure when I vote on this that we aren't being sold a bill of goods from the Bobbsey Twins who sit on the Taxation Committee, and I have a half a feeling from what I have heard that there might be some misstatement of fact.

My first question is, this incentive per diem business seems to be at the core of this entire controversy, and I would like to have the question answered as to whether or not this incentive per diem has been subject to the Maine excise tax prior to the ICC ruling of 1974?

Second of all, I was curious in Mr. Susi's first sentence about the appropriations, and I think Mr. Dam from Skowhegan raised that issue. It is my understanding that that is not an appropriation in fact, but is, as Mr. Dam has said, it would be simply a loss of revenue. And if it is a loss of revenue, is that loss of revenue one that has been figured into the estimates that have been given to us by the budget office for the revenue that will run state government in the next year?

Third, there seems to be a direct dispute of facts as to whether the restricted funds can be used for anything but boxcars. As I understand the comments of the gentleman from Farmington, Mr. Morton, he is saying that they can be used for things — now he is shaking his head no. Maybe I am misunderstanding what he has said, but I think it ought to be clearly understood what exactly the restricted funds can and cannot be used for, because it seems to me that is another key point in the validity or lack of validity in this legislation.

Fourth, 1974 appeared to be a very unusual year for railroads, and I guess for corporations generally in the State of Maine, as we look at what happened to the

corporate income tax revenue that came in in the last monthly report that we get. I suppose that Maine Central Railroad was included in that, and I would simply like to know, with respect to Maine Central Railroad, was there something unusual about the income of Maine Central Railroad last year? Was all of the profit generated generated strictly out of railroad operation?

Finally, going back perhaps to my third question again, and making another subquestion, but you can call it question five if you like, can incentive per diem be used for paying taxes in the State of Maine? Why is it that incentive per diem seems to be such a large portion of the income of Maine Central Railroad?

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

Mr. SUSI: Mr. Speaker and Members of the House: Let me take the last first, because I didn't get to write that down. You ask the question, why is incentive per diem such a high percentage of the total income of Maine Central Railroad? First off, I don't think that it is a high percentage. It is \$2.3 million in 1974 out of the total revenue of \$30 million, which makes it around 6 percent of their total revenue.

Now to get back to some of the other questions, has incentive per diem been subject to the excise tax prior to 1974, incentive per diem charges and receipts? This ICC ruling is a comparatively recent ruling. I don't know exactly the time, but whenever the nation had a shortage of boxcars, you remember that it was in the news that they couldn't move grain and so forth because of the shortage of boxcars. It was in response to this problem that the ICC came up with incentive per diem, which specified that these funds could be used only for the maintenance of or construction of rail freight cars. As to whether it was or not, I don't know, but it is only very recently that incentive per diem has been in existence.

Then you raised the question about whether or not this was an appropriation. Strictly speaking, no. A loss of income and an appropriation has the same fiscal effect on the State of Maine. I am sure you understand that, so it is just playing with words, whether it is an appropriation of a loss of revenue.

Then you raised a question as to whether this in fact does restrict this \$2.3 million in 1974, or whatever the figure is for any particular year to maintenance and construction of rail freight cars. It certainly does restrict to that purpose, and the railroad people came in and said in light of this fact, they shouldn't be asked to include this in their overall revenues in determining what the excise tax should be.

We have been talking a whole lot of stuff here, that unless a person has some background in it, it is apt to go sailing over your head. But I have built this comparison for my own test. If a person came to me and said, I will give you \$1,000 per year, with a kicker that it can be used only to pay for haircuts for yourself, I would say, no thanks, because then I would be subject to tax on \$1,000 revenue, and I couldn't spend a hundred dollars of it on haircuts. So I would be a net loser on it. So in that circumstance, which is the situation that the railroads contend they are in, in fact you would be hurting a person by giving him that sort of a gift. If you came to me and said, I will give you \$1,000 with a kicker that you can use it only for food and housing, then I would be very

happy to have it. I would pay my tax on it and still have eight or nine hundred dollars that I could use for a purpose for which I spend two or three thousand dollars a year.

Now, is that in fact the position with the railroad? Yes, it is. They have admitted in hearings that they have used and used well every cent that they have received under incentive per diem for exactly the purpose that is specified for.

The gentleman from Waterville, Mr. Carey, has indicated in his speech that there are 35 people whose efforts are in the direction of maintaining rail cars. In information which has put around you your desks or mailed to you from the railroads, they have projected their 1976 rail car purchases, freight car purchases, at 500 new cars to meet the needs which will be generated by the expansion in the paper industry. These new cars, according to their testimony, cost about \$30,000 apiece. So their projected expenditures for rail cars 1976 will be approximately \$15 million. Relate that to the restricted funds which they are receiving somewhere in the realm of two or three million dollars, and you see that it is no restriction whatsoever to say that they have to use these dollars for this purpose, because like me with my thousand dollars in my expenditures for food and housing, the amount that I will spend anyway for this purpose is way in excess of what the restricted funds add up to.

There are some other questions that were raised by previous speakers. I would like to say this, most everything that was said, 98 percent by previous speakers is true. They are just quoting from the bill or citing the importance of the railroads, so I agree with everything they said. They didn't at all face up to what is the real question that is before us here today, and that is, is it reasonable to extend this tax relief to railroads of Maine, particularly the Maine Central Railroad? I don't know as I will be up again, I hope not, but when this bill first came before us in this session and I first saw it, I began to understand then what it was about and what its destiny probably would be, and it bothered me just terribly then, and it does today, that we should get ourselves into the situation where quasi-public institutions in Maine, and an important one, our railroads, should be questioned, and they are being questioned here publicly on the floor this morning, and I never wanted to be in that position. I hope you believe me. Three times I went to the proponents of this bill and asked them to withdraw the bill hoping that we would never have to be exposing the skeletons in our closet as we are this morning. For whatever reasons, that they refused to withdraw this bill and I feel badly, and I want to you to realize this, that we are participating in this display here this morning.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I apologize, I have thought, sat and listened to all the debate, but I wondered if in the figures for the profitability of the Maine Central Railroad for 1974 any account was taken for the fact that they sold approximately 50 miles of track running from Mattawamkeag to Vanceboro to the Canadian Pacific Railroad. Now, I don't know how this would be treated on a financial statement. I presume most of it, if there was a gain, it would be a capital gain.

Then I have another question, if anyone cares to answer. About six years ago we passed, enacted and still have a corporate income tax. It seems rather unreasonable to me that we would continue to have an excise tax on corporations, a tax that is based on gross income, whether or not a profit has been made, when at the same time we now have a corporate tax which takes a slice out of profits, if any, are made.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, poses three questions through the Chair to anyone who cares to answer.

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

Mr. SUSI: Mr. Speaker and Members of the House: I would like to handle these very quickly. The gentleman from Farmington, Mr. Morton, indicated that the operating income was \$3-some-odd million. I forget what it was and I used the figure \$6 million total income, which included the capital gain on a sale. Their total income was \$6 million, the operating income was \$3.8 something. So that part is true. You pointed out that the corporate income tax exists at the same time as this excise tax. That is true, so there are those two taxes, but you apparently missed the explanation of the history of the excise tax here in Maine. The excise tax is in lieu of property tax, so actually the railroads are in the same status as all of our other industry where they pay both property tax and the corporate income tax.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I still have a little question. I was raised in the railroad town of Brownville Junction, Canadian Pacific Railway, which is not involved in this in any way and they were one of our substantial contributors to our taxes in the town of Brownville on their property there. So I just don't understand that you say that the excise tax is in lieu of property tax, because they sure paid one in my home town and we always kept it up pretty tight too.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, poses a question through the Chair to any member of the House who cares to answer.

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

Mr. SUSI: Mr. Speaker and Members of the House: Again, you missed the explanation that this was in lieu of the property tax on the railroad right-of-way, that all of the local facilities are taxable.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Susi partly cleared up what I was going to mention to Mr. Farnham. The property tax is paid on all spurs, all buildings within towns and municipalities. They do pay in the state as a whole a lot of money in taxes.

Somebody asked, and I think it was Mr. Smith, asked when did this Interstate Commerce Commission come up with this new ruling? This was an amendment in 1973 that caused this from Interstate Commerce Commission.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself to just a couple of points that have been brought up here in the debate. First of all, the one about jobs. Obviously none of us are in favor of doing

anything that is going to jeopardize jobs in the State of Maine. This point was never brought out by any of the people who were in favor of this legislation. In other words, the railroad didn't intimate in any way that jobs were going to go down the drain if this legislation was not passed, so I think it is a little off the mark to bring this particular thing in.

Most of the questions have been answered. I do think that the one that the gentleman from Dover-Foxcroft brought up is kind of important, and that is the continuance of a line in his community. This was one that was of great importance to me, because I have a line that we are on the end of it up there in Farmington and naturally I was importuned by shippers as I indicated in the first instance that we want to keep the line and I certainly do.

However, the point remains that the railroad, and this was brought out in a hearing, the railroad is constantly examining the profitability of branch lines, no matter where they are. The question was asked, are you contemplating the removal of any lines, and the answer was, we are constantly evaluating the profitability of lines and I think they mentioned one line that was the one that is most in question at the present time and then he went on to say that of course we are looking at Farmington and I am in the room of course. So, I came back and I asked Mr. Peters the direct question. Does the fate of this bill have anything to do with the continuance of the line at Farmington? His answer was no. In other words, the continued use of branches depends entirely on the total prosperity of the railroads and has nothing to do with this particular bill. It is pretty easy to say that, sure, if you take \$600,000 away from the railroad, they are less profitable, and that is true. But the point is, in spite of what the gentleman from Skowhegan said, that any other corporation that has a good year has to pay more in taxes; that is the nature of the game of progressive taxation. They aren't subject to the straight property tax on this because these properties were acquired many, many years ago at what was probably then a very good price but today would be peanuts. If they were paying the property taxes on them it would be tremendously greater, and they would pay it year after year after year. This particular excise tax law, which is in lieu of these property taxes, gives them a circuit breaker. So if they go below a certain point in their profits, zip — no more property tax except for the minimum. It is a good setup. They call it a fair law and it certainly has no place to be changed at this point in time.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Morton keeps referring to the good gentleman from Farmington, in fact, the very, very good gentleman from Farmington keeps referring to the excise tax in lieu of the property tax. This has got nothing to do with this bill before us today. This is the incentive per diem bill; that is all it amounts to.

I would like to read right here, "The ICC requires that all incentive funds be kept separate from regular car hire accounts. A railroad which has a credit of incentive funds can use this money only for the purchase, building or rebuilding of plain, unequipped boxcars based on a formula of the road's past history in these areas."

Mr. Morton also says that he doesn't

think this bill had any thing to do with employment. I think it does. I would like to read to you. Since the incentive per diem went into effect, the car supply situation on Maine Central has shown a marked improvement, but beyond that the funds generated by incentive per diem have enabled Maine Central to embark on a car rebuilding program. By the end of 1974, 174 boxcars have been completely rebuilt at the Waterville shops using incentive generated dollar. Another 62 rebuilds are scheduled for 1975 for an estimated expenditure of \$4.7 million. By using incentive generated dollars to rebuild cars, the railroad has been able to maximize employment in the Waterville shops. This has been beneficial to a large number of railroad employees in the Waterville area, as well as beneficial to the city of Waterville and surrounding communities.

I would also like to go on and read another portion where the Interstate Commerce Commission did not intend that incentive per diem or the revenue from the restricted rate increase provide a windfall to the State of Maine Treasury by artificially increasing that railroad operating income to a level whereby a false rate of return results.

I think maybe I might have a little more concern for this bill than many, but I can start north of the Jackman border and come down through the towns of Caratunk, Forks, West Forks, Bingham, Solon, Madison, Skowhegan. I can take in quite a few towns that I think have the same and great concern that I have.

On October 1 1976, by virtue of the State of Maine Legislature, all log driving must cease in the inland waters of this state. Presently down the Kennebec River, and it varies between 135 and 175 thousand cord of pulpwood is being floated. These figures are not being made up in my head this morning.

I have served for little over 17 months on a traffic and bridge study survey in my town. We have worked with the paper company, with the State Highway Commission as well as with a consulting firm out of Boston.

I think I have got a concern when I start to think that every four minutes there is going to be a pulp truck coming down the main street of my town. This is a pulp truck that is loaded and at the same time there is going to be another one going back empty. Now, if we are concerned about the wear and tear on the roads, and I seem to recall, maybe I am wrong, that we couldn't get a truck weight bill through here, I think then we have really got to look to the railroad. And if we are concerned about energy, burning gas, wearing out tires, pollution polluting the air, I think again we have got to look to the railroads, but we can look to the railroads as long as we want, unless they have some way of rebuilding their boxcars. This is the way that they have, but they won't have it if we tax that revenue which is restricted.

Even if we were to pass this today, there is nothing that would stop the next session from coming back and repealing. We have been known to repeal laws before and I think the future legislatures will still repeal laws. We repealed one yesterday, and I am sure that before we leave these hallowed halls that L.D. 1997, the tax assessing bill, is going to come back to haunt us and of course now I am very thankful that we have got all our small communities in the legislature and they are more small community oriented

because maybe we will have another repeal there. So, we can repeal and it can be done any time. If we see that we are wrong in the next session, we can change it. But I don't think we are wrong; I don't think we are wrong when we say that we want to try and move Maine ahead. I don't think we are wrong when we think of Maine as being a state that could be a leader.

Back five or six years ago in an article, it referred to Maine as a sleeping giant. Personally, I think Maine is a sleeping giant, I think Maine is just beginning to be prodded. I don't think we have to be a state of minimum wage. I don't think we have to be a state of welfare. I don't think we have to be a state of unemployment or underemployment. I do think that we have got to look at the picture and look at it honestly. Do we want to provide jobs for our people? Do we want to provide a good life so the children can go on to higher education and follow the profession that they choose, or do we want to sit back and let Maine wither and die? Personally I don't want to see Maine wither and die. I think we are just about as bad off as I want to see Maine go. I am not happy to sit here in the legislature and keep appropriating funds for welfare.

The SPEAKER: The Chair would advise the gentleman from Skowhegan to please restrict his remarks to the bill in front of this Legislature.

Mr. DAM: This is the bill in front of the Legislature.

The SPEAKER: The gentleman will restrict his remarks.

Mr. DAM: Mr. Speaker: If we indefinitely postpone this bill we will be saying to the people of the State of Maine and to the nation, we don't want industry in this state because this is cutting the throat and cutting the heart out of your railroad system as we know it. Maine is fortunate that we have got a good railroad system. We are very fortunate, and we should keep it that way, and the only way we can keep it that way is the passage of the bill and not with the motion of the gentleman from Pittsfield, Mr. Susi, to indefinitely postpone.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House indefinitely postpone Bill "An Act Relating to Amount of Annual Excise Tax on Railroads," House Paper 851, L. D. 158 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Carey, Connolly, Cooney, Davies, Doak, Dow, Drigotas, Gauthier, Goodwin, H.; Goodwin, K.; Henderson, Hughes, Immonen, Jacques, LaPointe, Lewis, Mackel, Morton, Mulkern, Peterson, T.; Post, Powell, Rideout, Rollins, Spencer, Susi, Talbot, Tarr, Wagner, Wilfong.

NAY — Albert, Ault, Bachrach, Bennett, Berry, G. W.; Berube, Birt, Boudreau, Bustin, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Dudley, Durgin, Dyer, Farley,

Farnham, Faucher, Finemore, Flanagan, Fraser, Garsoe, Gould, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hunter, Hutchings, Ingegneri, Jackson, Joyce, Kauffman, Kelleher, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Littlefield, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Maxwell, McBreaity, McKernan, McMahon, Miskavage, Mitchell, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Rolde, Saunders, Shute, Silverman, Smith, Snow, Sprowl, Strout, Stubbs, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Walker.

ABSENT — Bagley, Blodgett, Bowie, Burns, Byers, Call, Carroll, Fenlason, Gray, Jalbert, Jensen, Kany, Kelley, Leonard, Lizotte, Martin, R.; Mills, Morin, Peakes, Snow, Teague, Webber, Winship. The Speaker.

Yes, 31; No, 95; Absent, 23.

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

Thereupon, the Majority "Ought to Pass" Report was accepted. The New Draft was read once and assigned for second reading tomorrow.

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

Committee of Conference Report on Bill "An Act Exempting Solar or Wind Power Facilities from Sales Tax" (S. P. 56) (L. D. 125) — In Senate, Committee of Conference Report Read and Accepted April 11.

Tabled — April 14, by Mr. Tierney of Durham.

Pending — Acceptance of Conference Report.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I move we reject the Conference Report and I would speak briefly to my motion.

On April 1, we killed this bill, the same bill, 84 to 59. Now they bring back a redraft almost identical in word and letter under L. D. 1171. And I might say to the Speaker that this redraft carries no fiscal note of the total amount lost, revenue lost, under Joint Rule 12. It also does not carry a Statement of Fact, which is very rare you ever see a redraft come back this way. I have checked some other redrafts, they all came back the other way.

I hope this morning you vote with my motion to kill this, because the Speaker was very good in picking three members on the prevailing side for the conference report, but for some reason or other they saw a possibility to go along with the other body in bringing out this new amendment, and if you would draw out the new amendment 1171 and also the L.D. 125, you will find out about all it does is shift the position from A to B and the same things are in there.

We said the other day on the floor, as I said and several others mentioned, this right here, about the only one it helps is people who come in from out of state and want to build a five or six or seven thousand dollar windmill for more experience than anything else, study it, practice on it and things like that and I think this morning we should stand by our tax. Also, it is going to make, under this new redraft, on the person selling the stuff is going to make quite a thing, because he

is also, if he sells a small amount of stuff, he has got to make out a bill and also get a refund from the state for his tax, and I think this morning we should stand by our vote the other day of 84 to 59 to kill this bill, and I so move.

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

Mr. COX: Mr. Speaker and Members of the House: This is a bill which my good friend Representative Finemore and I have had a certain amount of fun with. I very seldom meet in here that I don't kid him a little bit about killing our windmill bill. This is a matter of minor funds. The money that we are talking about, whatever it is, we don't know what it is because there hasn't been very much of this work done yet, but it is minor and it is money that we have not yet had, but it does involve an important question. The question that is important beyond the amount of money that is dealt with here, important beyond the question of who will benefit by it, important beyond the question of whether it will be residents of Maine or out of state people who will benefit by it. The question is do we want to go on record as encouraging the development of alternative energy sources? Are we going to put our money where our mouths are when we say we need new energy sources? Are we going to put our money where our mouths are by granting a tax exemption for the purchase of materials and facilities and also for research, for materials that are used in research in developing these alternative energy sources? I know this is an important question to both Representative Susi and myself, who are members of the Taxation Committee who did sign this "ought to pass" and I have not changed my position. In fact, I have become more firmly committed to my position as time goes on.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker and Members of the House: Could the Clerk inform us who the members of the Committee of Conference are? That is the first point. The second point, did these members meet around one table, when did they meet or did they meet?

Thereupon, the Conference Committee Report was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief with the comments I would like to make about this bill before us this afternoon. It seems to me that this Legislature has done very little, precious little, to encourage development of alternative sources of energy, I would hope incentive this might be to encourage those alternative sources of energy, I would hope that we would vote for the bill this afternoon and vote against the motion made by the gentleman from Bridgewater, Mr. Finemore.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: This I don't intend to belabor, but I do want to read into the record and for your information and this is from an advertising sheet put out by one of the companies that manufacture these solar wind generators. I would read. "We would like to point out that the initial cost of complete wind power installations is such that the cost of wind generated electricity in general is more expensive than electricity which is available from the

power company if" - there is a big if, they put dark print here "power lines are readily available. It is unrealistic, therefore, at present, to expect to save on your power bill by converting to wind generated power. The systems we offer are," - and again big print - "however economically advantageous in many applications where power lines are unavailable and where the only alternative is a gas or diesel generator," and they go on to say here that it will be good at a camp. It says, "These plans and kits will substantially reduce the cost of wind electric equipment" speaking of these kits that where you build your own, "however, they are limited to uses where supplemented power is desired in order to augment an existing power source or in those cases where a minimal amount of power is needed" - that is a summer cottage or home workshop.

I signed "ought not to pass" for one reason, this really not being the reason, that it didn't generate sufficient power, but because I didn't think it would benefit anybody from Maine. I could really see this as a real fat cat bill for out-of-state people that have camps and hunting lodges up in the wilds of Maine where you do have at least an eight mile an hour wind, and when I looked at the price tag on one of their units, the 3,000 watt system, which is not really too much when you speak of wattage 3,000. When I looked there and I saw FOB Boston, \$13,820, and in my mind this tells me this is going to be a \$691 sales tax loss to benefit an out-of-state fat cat, that is why I couldn't buy the bill. I would hope you would go along with Mr. Finemore's motion.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, rise to oppose the motion of Mr. Finemore. I think Mr. Cox has stated the position of the bill very well. We must put our money where our mouth is.

A lot of things have been said about loss of revenue to the state I don't think there will be any, at least no present revenue. The good gentleman Mr. Dam mentioned if you don't have it in your hand there is nothing to lose, so we have not received any tax revenue from this source right now and I think in the future it would behoove us to grant them this exemption.

Out-of-state people, maybe they can afford it but it would also help pay the developmental costs of these private industries which in turn might reduce the cost to the residents of the State of Maine. The other thing, I think, it would provide incentives to the industries that are already in this particular field and hopefully some incentives for new companies to enter into this agreement. I don't think a 5 percent sales tax is much when you consider the thousands and thousands of dollars that are being spent on research projects of this particular type. I would hate to see this bill defeated; I therefore oppose the motion of Mr. Finemore.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just simply like to point out that this bill was one of the recommendations of the Office of Energy Resource, which was in the Executive Department filled by Mr. Robert Monks and they presented a state plan of some of the things we should be

doing in the energy field and this was one of the bills that they proposed.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the Conference Committee Report be rejected. All in favor of rejecting the Conference Committee Report will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Tierney of Durham 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 Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: This is a bill that I have given quite a bit of thought about because it has concerned me. On the one hand, it seems like the logical and good thing to do. When it first came in I had no question and it seemed like I would support the bill, it just seemed to make sense at these times when we are looking at sources of alternate energy. I read the Horse Blanket debate in the other body and some of the arguments that some of the people made made a lot of sense to me. Because really what we are talking about is not finding alternate sources of energy; what we are really talking about is the tax question. The question is, when we take a step to erode our tax base on the sales tax, who is going to get the money? I remember last session when the gentleman from Lewiston, Mr. Jalbert, introduced a bill to this legislature which would have granted a sales tax exemption on clothing and we debated it. We talked about how horrid it was for a woman or a family who was trying to get clothes for their children when school starts and how much the 5 percent hurt them, but we rejected that bill. We have heard bills in trying to exempt from the sales tax drinking water; those bills failed, we still pay sales tax on the water we drink. We pay sales tax on our heating fuel; pay double taxation sales tax on our electricity and we know that that bill that is sitting on the Appropriation Table isn't going to go anywhere.

It is easy to vote in favor of this bill, you might get a paragraph of praise, perhaps, in the Maine Times, perhaps Mr. Monks might mention you next time he speaks at the Portland Rotary and it might put a balm on our feelings about what a good job we are doing in seeking sources of alternate energy. Well, the sources of alternate energy, the people in my area use to heat their homes is wood. It's wood, it is not wind power, it is not solar power, they go out and chop wood, but we don't have any bills in here to grant sales tax exemptions for chain saws or axes. No, no, because the people who go out and chop the wood are the people who work for a living. It seems as though we don't care about them. Instead, we are going to come in and grant a sales tax exemption for people who have camps because that is the only place where it is economically feasible, as even the people who produce these things say. So, first of all, you have to own a second home to even bother with this thing, only to give them the exemption. It doesn't make any sense to me; it seems we are going in

the wrong direction, especially at this time when we don't have any money.

Now, my good friend from Scarborough, Mr. Higgins, said that this isn't going to result in any loss of revenues. Well, if it isn't going to result in any loss of revenues, then it is not going to do anybody any good. The whole purpose of this bill is to grant an exemption and by definition an exemption means that we are going to be losing money.

Now, one last comment. It seems the gentleman started off his remarks, and I have a great deal of respect for him, it is about time we put our money where our mouth is, and that is precisely right, ladies and gentlemen of this House. We are putting our money, the money out of our pockets, which is going to have to be made up by somebody else in the tax revenues, either through the income tax or sales tax or any of the other items that I mentioned, and on that basis, ladies and gentlemen of the House, I hope we do not accept the Committee of Conference Report. The Committee of Conference never met; they never sat around a table and talked about this, it was just something that was kicked around in the hallway. I spoke to the members of that Conference Committee. Let's not change our action; let's not accept this Committee of Conference Report.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to approve of Representative Tierney's approach. We might all believe in alternative energy source, but I don't think we ought to approve of it by manipulating our tax base. If you can stand here and say you are going to put a sales tax on water, or electricity, on the fuel clause of electricity, and not put a sales tax on something that is going to sell for \$10,000 or \$15,000, which is way out of range of the ordinary person in the State of Maine, I think the only thing you are doing, you are not looking for an alternative energy source, you are just manipulating the system and I hope you will vote along with Mr. Finemore to reject the Conference Report. We are here to serve the bulk of the people of the State of Maine, not special interest such as this.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The only thing I would like to respond to Representative Tierney is the mention that I made of loss of revenues is present loss and at the present time I don't believe that there are too many of these windmills being produced. The exemption that I am looking for, that we are looking for if we should pass this bill, is to help these companies and to give them some incentive to do research into programs in solar power and wind power. Hopefully, if they can do some of this research, if private industry can do some of this research and developmental procedures for us, we won't be back here three or four or five years from now appropriating thousands and thousand of more dollars of the taxpayer's money to hire people such as Bob Monks to look into this further for us.

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

Mr. SPENCER: Mr. Speaker, Ladies

and Gentlemen of the House: I would just like briefly to support the remarks of Mr. Tierney. I think that in the long run, legislation to encourage alternate energy sources will be desirable but I think that at the present time, the state of the art is such that the systems that are available are really a luxury. I don't believe that a sales tax exemption will have a significant enough impact to really stimulate research into these areas. I think that if we are going to address this problem, we have got to do it more substantially and that what we are doing here is simply allowing some people not to pay sales tax on a very expensive item which they can afford to pay the sales tax on.

The SPEAKER: The pending question before the House is the motion of the gentleman from Bridgewater, Mr. Finemore, that the House reject the Conference Committee Report. A roll call has been ordered. If you are in favor of that motion you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, G. W.; Berry, P. P.; Berube, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cote, Curran, P.; Curran, R.; Dam, Doak, Drigotas, Dudley, Durgin, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Hall, Hewes, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jalbert, Joyce, Kauffman, Kelleher, Kelley, Laffin, LaPointe, LeBlanc, Lewis, Lunt, Lynch, MacEachern, Mahany, Martin, A.; McMahon, Mills, Miskavage, Mitchell, Mulken, Nadeau, Najarian, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Post, Powell, Raymond, Saunders, Silverman, Smith, Spencer, Sprowl, Strout, Stubbs, Talbot, Tarr, Theriault, Tierney, Tozier, Twitchell, Usher, Walker, The Speaker.

NAY — Ault, Bachrach, Bennett, Birt, Boudreau, Cox, Curtis, DeVane, Dow, Dyer, Gould, Greenlaw, Henderson, Hennessey, Higgins, Hinds, Jackson, Jacques, Kennedy, Laverty, Lewin, Littlefield; Lovell, Mackel, MacLeod, Maxwell, McBreairty, McKernan, Morton, Norris, Palmer, Perkins, S.; Pierce, Rideout, Rolde, Rollins, Shute, Snow, Susi, Torrey, Truman, Winship.

ABSENT — Bagley, Blodgett, Bowie, Burns, Byers, Call, Cooney, Davies, Gray, Jensen, Kany, Leonard, Lizotte, Martin, R.; Morin, Peakes, Quinn, Snowe, Teague, Tyndale, Wagner, Webber, Wilfong.

Yes, 85; No, 42; Absent, 23.

The SPEAKER: Eighty-five having voted in the affirmative and forty-two in the negative, with twenty-three being absent, the motion to reject the Conference Committee Report does prevail.

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

Mr. FINEMORE: Mr. Speaker, having voted on the prevailing side, I move now we reconsider our action whereby we voted to reject the Conference Committee Report and I hope you will vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House reconsider its action whereby it voted to reject the Conference Committee Report. All in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

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

Bill "An Act Exempting Certain Energy-Conserving Building Construction Materials from Taxation" (Emergency) (S. P. 461) (L. D. 1514) — In Senate, Referred to Committee on Energy.

Tabled — April 14, by Mr. Kelleher of Bangor.

Pending — Motion of Mr. Finemore of Bridgewater to Refer to the Committee on Taxation in Non-Concurrence.

Thereupon, the Bill was referred to the Committee on Taxation in non-concurrence and sent up for concurrence.

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

An Act Appropriating Funds for the State Share of the Spruce Budworm Control Program and Imposing a Tax on Forest Lands for Spruce Budworm Control (Emergency) (H. P. 560) (L. D. 689)

Tabled — April 14, by Mr. Smith of Dover-Foxcroft.

Pending — Passage to be Enacted.

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

Mr. KELLEHER: Mr. Speaker, I move this lay on the table for two legislative days pending enactment.

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

Mr. SMITH: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Smith, has requested a division. If you are in favor of tabling for two legislative days, you will vote yes; those opposed will vote no.

A vote of the House was taken.

50 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to this bill and I arise in opposition to it. I oppose it for a lot of different reasons, most of them were brought to your attention last week, primarily by the gentleman from Windham, Mr. Peterson, so I won't repeat those arguments but there is one area of concern that I have that I think I ought to bring to the attention of all the members of this House, an area of concern that has come to the attention of several people in the last few days. I think all of us should know about this before we vote on this bill. That is the concern that I perceive the power of certain special interest groups and, in this case, the paper industry, to be excessive in this legislature almost to the point where they can get anything they want.

To give you an example of how that works, I would like to relate to you some facts that occurred last week. Last Monday, the Legislative Finance Office handed out this memo, this fact sheet, to members of the Appropriations Committee at one of their work sessions, I believe it was. The information on this fact sheet shows that were the legislature to enact the emergency Health and Welfare appropriations that went through this body last Friday for \$2.9 million and were the legislature to enact the state appropriation for spruce budworm, the state would be in the position of having a deficit of almost one million dollars, \$921,000 to be exact and at that work session, members of the

Appropriations Committee were asked to leave the work sheet behind in committee, not to take it out of committee, and not to discuss the issue with members of the legislature, the idea being, to get the spruce bill through the legislature before we would be provided with the information that there could be a deficit to the tune of almost \$1 million. Two days later, due to the efforts primarily of one member of that Appropriations Committee and one member of leadership, the issue was raised at least within Democratic leadership circles and the idea was put forward that the whistle was going to be blown if something wasn't done about it. Because of that threat, if you will, and because on the same day it became evident that we were going to have \$6 million extra dollars raised through the corporate income tax, the \$2.9 million bill that we enacted on Friday for Health and Welfare, was rushed through this House and was rushed through the Senate and now stands enacted and I believe it has been signed by the Governor. Now, the point that bothers me about it is that some of the people who support the spruce budworm, issue were willing to deceive me and other people in this House and not let us know or be aware of the information that by funding the spruce budworm, it could have resulted in almost a million dollar deficit. I just don't like the way things are done by certain special interest groups.

Yesterday, it was suggested to me that it might not be wise politically for me to put the issue before the House, and it was suggested to me that the spruce budworm issue was very important to legislators in the western and northern part of the state and that should I raise the issue and should the bill be defeated, that perhaps certain bills that I was concerned about might not be looked upon favorably by members of this body who support the spruce budworm bill. Well, darn it, maybe I may be politically naive, maybe I may be, but it seems to me that when we vote on issues, we should vote on them because it is a good thing or vote against them because it is a bad thing.

My point in standing up here today was just to raise the issue so that you would all know what the facts were before you voted on this particular bill.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I want to take issue, not with the facts the gentleman has laid before you, but with his conclusions, because as you very well know, you can recite a certain chronology of facts and come to a wrong conclusion, which my young friend from Portland certainly has.

I will refer you to the remarks of the gentleman from Dover-Foxcroft, Mr. Smith, during the debate on the spruce budworm, in which he addressed this very problem that has been referred to and outlined the financial gymnastics that we are going to have to go through to put this legislature in line with what we certainly have to do and that is financial responsibility. It is going to involve the rolling back of funds through the two years of the biennium to allow us to use the budget of surplus for this year and so I just want you to know that, as far as one individual who is concerned with the spruce budworm, the gentleman has put a completely erroneous face on the facts that

he has presented to you.

There is no intention on the part of any committee that I am going to serve on to deceive my valued colleagues in this body and I would think that it must be apparent to anyone with a modicum of common sense that no such procedure is going to survive long in this body and I hope that you could ignore the remarks and get on with the passage of this bill.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I haven't been lobbied by any paper company although I have been lobbied by a lot of people that I represent. Fortunately, I come from up in the woods where this budworm is converging upon us, and let me tell you, it is something like a forest fire converging upon you and my people are frightened. They not only people that their job depends on working in a paper mill but people who cut wood, they are people that trap in the woods and after this forest becomes all dead, there is nothing there to trap. Even the animals won't stay there and it is going to be a tremendous fire hazard. If this ever gets afire, it will be something like the Mirimachee fire, we will go up in smoke and their whole villages burned and they know that. It is in the history books; you can read it.

So, the little towns that I represent, a good deal of them and I can name them if you want me to but in saving time I won't, but they are surrounded by forests and these forests, when the bug eats them up, there is nothing there for the animals, there is nothing there for the sportsmen, there is nothing there for anybody. Now, it is not only the paper companies involved, it is the people that I represent that are involved, whether they are fishermen, whether they are farmers, and most of them are small landowners, but when this converges onto these little towns, it converges like a forest fire. Some of you, in this House, have had the privilege of seeing what it looks like after the bug has been there. It looks like a forest fire and there is nothing left for animals, for the birds, or any other species and there will be nothing left for man. When Maine's forests are gone, we will look like a chicken with its feathers picked off and will be about as useless, and without the jobs that is created in these paper mills, this state will be hopeless. They are the only good jobs we have left in this state, so I do hope you will show good judgment and, by the way, this needs an emergency measure. There is an emergency measure on it and I hope you will see fit to give them it because the spraying time is near and if it is done, it has got to be now.

You can't fight this forest fire or this budworm problem after the damage is done; you have to try to contain it now. So, it is like putting out a forest fire, let's put it out and talk about who is going to pay and all these minor things later so we can save my people and my towns from being converged upon by this terrible menace.

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

Mr. McBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: It has been very hard for me to believe that anyone here today could oppose L. D. 689 if they had taken the time to get for themselves the true facts.

My reason for sponsoring and pleading for L. D. 689 is not because I am wholly concerned for the large landowners and

paper companies. I am concerned for 90 percent of the State of Maine, which is woods. I am concerned because I love the woods; I enjoy the privileges we all have and the use of our Maine woods for outdoor sports and recreation. I enjoy the clean, fresh, oxygen produced by our trees. I enjoy the animals in the woods, the birds in the sky and the fish in our streams. Maine desperately needs the economy generated by the forest industry. The taxes we all pay is to protect the health, happiness and the welfare of the people. Landowners pay millions in taxes. I believe they are entitled to some services and protection.

In order to get matching funds from the federal government, this bill has to be passed. Time is very limited. We have to be spraying by the last of May. I hope that we will face up to our responsibility this morning and pass this bill.

I have here a study done. I have here a spruce budworm survey done in the Christmas tree area of the Fall and Winter of 1974-75. This study shows from low to extreme infestation. I am going to name some of the towns. I am sure some of you will recognize some of them here this morning. I think this will prove that this is not just a concern of the north or the west. Friendship, Waldoboro, Bristol, Wiscasset, Southport, Boothbay, Benton, Albion, Knox, Jackson, Troy, Burnham, Winthrop, Livermore Falls, Hartford, Sumner, West Paris, Greenwood, Waterford, Pittsburg, Windsor, Somerville, Washington, Searsmont, Morrill, Milford, Springfield, Madawamkeag, Kingman, Webster, Drew, Carroll, Lincoln, Whitneyville, Jonesboro, Penobscot, Blue Hill, Sedgewick, Baring, Franklin, Norridgewock, Sidney, Clinton, Bowdoin, Scarborough, Casco, Otisfield, Gorham, Standish, Pownal, Warren, Searsport, Winterport and Leeds.

I believe we have stalled all that we can afford to, and get this program going. We have very limited time to acquire the federal funds. We have very limited time to acquire the planes to do this job. I hope you will vote for this bill here today.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: There is one thing we must remember that the Christmas tree growers of my size, already I have sent my check in to pay for the spray material that I have to use. I will have to spray my own trees and remember, even the people that have to pay for the spraying, half of it is already paid for by the federal government, so some of us are never going to get any help out of this.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: As your House Chairman on the Committee of Fisheries and Game, we have been very interested in this spraying program and what effect it would have on the animal life and the fish in the streams.

In previous years, DDT was used and we lost an awful lot of the fish out of the streams, which has been a long program of replacing. The information they are giving me is that they are going to use Malathon, which is very fast dissolving in water and it is not traceable 50 feet away once it enters the water. It is the safest thing that can be done in an emergency situation to save the trees or we are not going to have wildlife.

I urge passage of this measure.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This is the fourth term that I have served in this honorable body, and I have repeatedly supported the funding for the spruce budworm. But the conditions that we are operating under today are somewhat different in the past, as far as I am concerned. We have limited amounts of money to operate with. Frankly, I don't really know what the leadership in my party or the leadership in the opposition party is going to be setting for priorities. I have been around these halls long enough to know and I realize well enough to know exactly what happens when various issues get upon the Appropriations Table.

There are very few people who have an opportunity to decide what is funded and what is not when it gets over in the other body. Be it as it may, that happens to be the rules that we work under. I have hollered in this House in the past before to set up an Appropriations Table so we, in our wisdom, can have an opportunity to bargain, if you want to say, with the other body in measures, but there is very very few people that really have the final say and they are very powerful individuals and they are capable because they wouldn't be in the position they are if they weren't by us in the respected parties electing them.

The reason I wanted to table this measure this mornig for two days is that I agree with my good friend, the minority floor leader in this House that we as members should bite the bullet in determining what the priorities and the policies are for the people of Maine. I got no idea, to be honest with you, what they are as far as my party is concerned and I have less as far as the opposition party is concerned.

Now, there is not a lot of money to be available for programs. This is nothing new; I know this as well as you, but I would like to know, before I cast my vote in here on this bill this morning, and I think it is a deserving program, I would like to know exactly what the intent is of that distinguished Committee on Appropriations and Financial Affairs will be recommending to this body and to the people of Maine and in turn what the leadership will be supporting. These ten members that are on the Appropriations and the members of both parties that are in leadership, no matter how much effort or pressure that we may try to muster here as individual members, I am sad to say, really have very little in the final judgment of what is being spent in the other body.

Some members may be able to get some programs funded. I might say that the Appropriations Committee has always been in the past very fair with me, but I am just as concerned about your programs as I am my own. I could probably be selfish and hope that my few programs that I am sponsoring can be funded and not care a little bit about yours, but that happens not to be the shoes that I am standing in and, so with good conscience, ladies and gentlemen, I am not going to vote for it this morning, simply because I don't know what direction we are going in as far as the people of Maine are concerned.

It is a worthy program. I don't shortchange that argument. I simply would like to know in what direction we are going in other programs and what available money is going to be there to

tund very reasonable, very sincere request that come before the Appropriations Committee every day.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am confronted again this morning with the question that we have been confronted with now four or five times, and I am going to give the same explanation that I gave four or five times here before, with one alteration. The amounts of money haven't changed. It is somewhat easier though for me to stand here today, after what happened with last month's revenue increases, to tell you that the state's numerical gymnastics that we were performing in the original conception of how this would be funded will no longer have to take place. What I told you in the beginning was that in order to do this we were going to have to transfer, by simply borrowing from staggered accounts that exist in state government today, money that would have been or appeared to be coming up as surplus that appeared in the Governor's budget, approximately \$8 million in surplus at the end of the next biennium. We were going to transfer that by borrowing some money out of various funds transferred to the beginning of the biennium up to now so that we could progress with this spray program. That is no longer necessary. Last month pulled us out of that hole and more than pulled us out of that hole.

What Representative Kelleher is asking is slightly imponderable, because I can't be very specific. I think what he wants us to do is lay the entire budget for the next biennium before him right now so that he can examine it. He wants us to come down with the priorities off the Appropriations Table, all of which occurs in the very last hours of the legislature, and tell him exactly what the leadership in the Appropriations Committee will ask for I can't do that. All items that are going to be on the Appropriations Table aren't even there yet, so I can't answer his question specifically.

As a general matter of philosophy, I think the leadership has asked the Appropriations Committee to stay within the \$703 million, that the Governor has asked that the budget total. As far as I know, the Appropriations Committee is going to try to do that. There is talk, however, now of putting back in some programs, like Aid to Charitable Institutions, like Priority Social Services, like Adult Education, there is some talk of it, no final decision. I think probably we would want to wait and see what next month's revenue figures are going to show us and we certainly would like to do that, I know, before we hand the budget down.

So, there are some imponderables here, and I can't answer all those questions and I am not going to attempt to fool you and say that I can. I think we are on solid ground.

I would like to say also that the Appropriations Committee does not operate in a conspiracy. That door, for the three years that I have been serving on Appropriations has swung open to anybody who wants to walk in. The trouble is, most people haven't chosen to walk in because what we do in there is so doggone dull that most people can't stand it. Bill Caldwell tried it for a few hours and he couldn't take it. I can hardly take it sometimes. I guess it is a difference of what kind of conspiracy you are promoting. Conspiracy to get a social services bill through is one kind of conspiracy, but we have to balance against

the conspiracies up there in Appropriations, we have to look at everybody in the State of Maine, and your views of state projects, state interests must necessarily change when you go on that committee.

I want to go through with you one more time the money that is in this bill so that you firmly have it in your mind before you vote.

The bill calls for \$3.8 million. Of that \$3.8 million, \$2.8 million will be raised by a 30 cent an acre excise tax. That leaves approximately a million dollars, which will be funded by the mill and a half increase that we levied on the tree growth tax in the last legislature, which comes to approximately \$430,000. And third, the remainder will come out of the General Fund, approximately \$570,000 to spray parcels of less than 500 acres under the tree growth tax and the publicly owned lands, which consist of the public lots in the spray area, Allagash Wilderness Waterway, that portion which is in the spray area, Baxter State Park, that portion which is in the spray area, some town-owned lots and perhaps some miscellaneous things that I haven't mentioned, some small things, and I don't know what they might be. But that basically is the outline of that bill. It is a drastic reduction in what we have called the state's share in past legislatures. It has had to be reduced simply because of the magnitude of the project. We couldn't afford to fund a quarter of \$7 million, the percentage that we have used in the past. That percentage has been more than cut in half and the explanation for that million dollars is as I have just repeated.

I hope that we have answered the many questions that have been asked. I have tried to sincerely over the month that this thing has been flying back and forth. It is now becoming a matter of great urgency, greater everyday practically, as I understand it. I hope that I have answered all the questions that individuals have posed to me. I will answer any other questions that you have today.

I hope now that in this very last leg of this bill's stormy journey to enactment that everybody is fully understanding of what is contained in it. If there isn't any member, I would like the opportunity to explain it right now.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, I would like to pose a question. I would like to know what effect the increased revenue of \$7 million or thereabouts have on the total budget allotment. Are we allowed to spend the \$700 million plus \$7 million or are we not?

The SPEAKER: The gentlewoman from Brunswick, Mrs. Bachrach, poses a question through the Chair to any member who cares to answer.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: The answer is, if I understand the question correctly, that any increase in revenue becomes a surplus and that surplus is in the General Fund and is subject to appropriation by this legislature.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In further answer to the question, we were told that any expansion of present programs and any

new programs would not be looked upon too kindly. We find ourselves with more money, and that is additional revenue which can be spent.

I think possibly one would have to have attended one of the hearings on the spruce budworm to find out what a horrendous situation we find ourselves in. One of the very, many things that was thrown up against the wall indicated what was an area that was not infested with the spruce budworms and it was a very small area, and it was beautiful to see this nice piece of forestry that was not infested with this program by this insect.

Now, if we do not have these programs, if we do not fund some of these programs, it is very possible that we would find ourselves with industries that would be out of business and consequently we could not have some of the social services that these programs help to finance with some help with which to do it.

This bill here, the Appropriations Table was mentioned more than once. This bill here has nothing to do with the Appropriations Table. This bill must be enacted as an emergency in the Senate and must go immediately to the Governor for his signature for two very basic reasons; number one, if we do not do so and do so now, we will not be able to buy materials for spring. Number two, we will not be able to get helicopters to do the spraying. Already the State of Minnesota has swallowed half of what we would normally have by now. By now this bill, in the last few years, has become a law long before this.

This is absolutely a must bill, and I can very well recall the small amount of money we needed on this. We did not act fast enough. We are now caught in a position where we must act. We need 101 votes. We are aware of all the programs that are needed on the Appropriations Committee; we hear them daily, but there are also other programs that are involved. This happens to be one of them. We must have 101 votes on this measure. We must have it today. I beg of you to give this your support and we will do all that we can to fund what needy programs we can conceivably find the money to finance.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to ask you to oppose this bill, clear and outright, without any apologies. I think one point ought to be made. This does have some effect on the Appropriations Table. It takes out almost \$600,000 from that pool from which we can draw. So that, if at the end of our session, after having passed this bill and after having programs that are \$400,000 and \$600,000 social programs, they won't be funded, because we have chosen to fund this.

Then the question is, what is it that we are funding. I like to walk in the woods and I like the smell of the fresh air and the whole business, but I feel that what we are doing, basically, just as we have done with the railroads a minute ago, giving a \$600,000 break, I think to a particular industry. Now some people would argue that it is the small landowners that are going to benefit most, but it wasn't the small landowners that had the lobbyists running around here and it wasn't the small landowners that put on a drink and food feast a few weeks ago for the legislators, it was one of the largest corporations.

I don't believe that if we don't pass this that

there will not be a program taken up. It will be taken up; it will be taken up by the industry itself. They are not investing in this terrific expansion of plant and equipment on proposition that there will not be supplies for that. They are not going to let that go; they have a tremendous investment there.

We have talked before about the resources that they have had and the fact that their profits come from all over this country and not only in the State of Maine. So, the question isn't whether we are going to defoliate our forests or not, it is whether the taxpayer, the general taxpayer of the State of Maine is going to subsidize an industry which is making a profit and which is gearing up for this program and for using these resources for a long time to come. Are we going to help them out of this problem that they are in, which is purely a financial problem? I think we ought not to.

We have talked about the recent lucky increase in our funds, revenues, this month, but it is true and we don't know what it is going to be like next month, the fact that we were lucky enough this month to have that increase means we don't have to borrow into the next part of the biennium, but if the next few months don't turn up so good, we are going to have to do that. The problem is, we might be faced with this very same bill, similar, next year, because I think we all remember that even the people that are in favor of this are not saying that this will eradicate the spruce budworm. We have to cross our fingers about that. What it will do is keep the foliage on and if nothing miraculous happens this year, we will be right back in the same position next year, possibly with fewer funds to deal with if we are borrowing from one year and bringing it up into the first year of the biennium. These are just some of the reasons that I feel we ought not to give this the 101 votes today.

Mrs. Clark of Freeport 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 Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think too often we approach many of these bills with tunnel vision and right here we are looking down the tunnel and all we can see is a dollar sign.

I think you have to take into consideration many other factors. If we had an epidemic threatening the Maine population from outside our border, would we hesitate to provide state dollars for vaccines? We have an infestation from across the border; we are attempting to correct the situation.

I agree with Mr. Henderson, if the bill doesn't pass, I am quite sure that the large landowners will attempt to do whatever it is within their financial resources to do. But they are not going to spray public lands. I don't believe they are going to take care of many of the small wood owners in the State of Maine. If you don't try to control much of it to the greatest extent that you can, what is going to be the problem a year from now? I think what is involved here is much more than the dollar signs that apparently many of them are looking at down the tunnel.

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

Mr. McBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: I believe I should bring out one fact here that I believe is true. I may be wrong, if I am I stand to be corrected. If this bill is not passed I believe it will be impossible for private landowners to get this federal money, or 50 percent of the money to match this fund.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just pose a question through the Chair, Mr. Speaker. How much would we have to take in April, May and June to meet the amount budgeted for this year, plus the \$20 million surplus we have already spent along with this bill.

The SPEAKER: The Chair would advise the gentleman to go to the Research Office.

The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding, and I listened with great intent yesterday during the Democratic caucus in which the gentleman from Lewiston explained the gloomy picture of this state and of the revenues and of the running in the red that we had experienced in different parts of our budget, and the only reason that we experienced a surplus in March was because of a large increase in the corporate excise tax revenues which came in as a result of companies withholding this money while their rate increases were being decided by PUC. They didn't want to report their earnings, so they withheld them until the rate increases had been granted. He said that this might not hold up, at least, that was the impression I was given.

It is my understanding that we are going to have to generate \$80 million in April and May and June just to meet the present budget, and all I ask is a simple question of the Appropriations Committee, is this a realistic expectation in comparison with what January and February brought in?

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: What I stated in the Democratic caucus is there were two companies, two utilities, who were looking for a rate increase and they weren't expected necessarily when they didn't have to file their returns of earnings until the month of March. Frankly, I think all of us here would agree if they had they would have been stupid. Those two companies were the Central Maine Power and the telephone company, and that money was \$1,450,000.

I did tell at the caucus concerning corporations, and there is a difference and I am sure that by this time Mr. Peterson had better learn there is a difference between a corporation and a utility, because if he doesn't he is not going to have me for client when he passes the Bar exam. The corporations cut back, or some of them shut down, and they sold out of their inventories with no operating expense and naturally their profits were high. Their profits were astoundingly high and they reported them for the month of March when they should and, consequently, it is for a certainty that the corporate income tax will not be as high in the month of April, by any means, as it was in the month of March, and that is what I explained in the caucus.

An explanation as far as this measure is concerned here, this is something that started out, gosh, I can remember when we were asked to finance it to the tune of \$20,000, and I mean, we didn't do it one time when it first started out and the wind got heavier. It

doesn't mean anything in Lewiston this affair, but it sure means something for our people from Lewiston who are working at the I.P. in Livermore Falls, I can tell you that right now, and it means something to bring in tax dollars into the program of the General Fund so we can redistribute those dollars into other areas. If we do not fund this; one, we do not get federal funds; two, we do not get our public lands in these areas sprayed and they, if they apply, can't get federal funds.

The SPEAKER: The Chair recognizes the gentlewoman from Millinocket, Mrs. Laverty.

Mrs. LAVERTY: Mr. Speaker, Ladies and Gentlemen of the House: This is certainly a financial oriented bill. It is frightening I know, but don't forget that we as citizens of Maine have been saying 'Keep Maine Green'. We love this state and the greenery of our state is the basis of most of our economy. Please keep that in mind, along with all the figures.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman who asked the question indicates what I was trying to drive home a few minutes ago. Too often we are looking at a narrow-range viewpoint. If he had expanded his question to include not only what is the impact on the budget, the current budget, but what will be the impact if we don't fund it? What is the state going to lose in the future? What is going to happen to the small woodlot owner who is going to see his forest land devastated and have no market for salvage? That is going to wipe out his value and the value of this woodlot for his lifetime. They will come back for his children, yes. What is going to happen to our tree growth tax? Those are the questions that you ought to be asking, not what is going to happen tomorrow but what is going to happen next week and next year and the next decades.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enactment of Bill, "An Act Appropriating Funds for the State Share of the Spruce Budworm Control Program and Imposing a Tax on Forest Lands for Spruce Budworm Control," House Paper 560, L. D. 689. All in favor of enactment will vote yes; those opposed will vote no.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I am pairing my vote with the gentleman from Belfast, Mr. Webber. I am voting not and he is voting yes.

The SPEAKER: The Chair would inform the gentleman that on a two-thirds vote, pairing does not really provide much assistance to either side so the Chair would advise the gentleman that he can still pair, however.

The Chair understands that if the gentleman from Portland were voting he would be voting nay, and if the gentleman from Belfast, Mr. Webber were present he would be voting ye.

ROLL CALL

YEA — Albert, Ault, Bagley, Bennett, Berry, G. W.; Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carey, Carpenter, Carter, Churchill, Connors, Cox, Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Greenlaw, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelley, Kennedy, Laffin,

LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Morton, Mulhern, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Spencer, Strout, Stubbs, Susi, Tarr, Theriault, Torrey, Tozier, Twitchell, Tyndale, Usher, Walker, The Speaker.

NAY — Bachrach, Berry, P. P.; Berube, Bustin, Chonko, Clark, Connolly, Curran, P.; Davies, Gauthier, Goodwin, H.; Goodwin, K.; Hall, Henderson; Hobbins, Hughes, Ingegneri, Joyce, Kelleher, Mitchell, Nadeau, Pelosi, Peterson, T.; Post, Sprowl, Tierney, Truman, Wilfong.

ABSENT — Carroll, Cooney, Cote, Gray, Jensen, Kany, Lizotte, Martin, R.; Morin, Peakes, Quinn, Snowe, Teague, Wagner, Winship.

PAIRED — Talbot, Webber.

Yes, 105; No, 28; Absent, 15; Paired, 2.

The **SPEAKER**: One hundred and five having voted in the affirmative and twenty-eight in the negative, with fifteen being absent and two pairing, the motion does prevail.

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

Mr. **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side I move reconsideration of this item and hope all you will vote against me.

The **SPEAKER**: The gentleman from Dover-Foxcroft, Mr. Smith, moves we reconsider our action whereby this bill was passed to be enacted.

Mr. Peterson of Windham 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 Dover-Foxcroft, Mr. Smith, that the House reconsider its action whereby this Bill was passed to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

ROLLCALL

YEA — Bachrach, Berry, P. P.; Bustin, Chonko, Clark, Connolly, Curran, P.; Davies, Gauthier, Goodwin, H.; Goodwin, K.; Henderson, Hobbins, Hughes, Ingegneri, Joyce, Mitchell, Nadeau, Najarian, Pelosi, Peterson, T.; Post, Sprowl, Talbot, Tierney, Truman, Wilfong.

NAY — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carey, Carpenter, Carter, Churchill, Connors, Cox, Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Drigortas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Fraser, Garsoe, Gould, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hinds, Huntr, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Maxwell,

McBreairty, McKernan, McMahon, Mills, Miskavage, Morton, Mulhern, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Spencer, Strout, Stubbs, Susi, Tarr, Theriault, Torrey, Tozier, Twitchell, Tyndale, Usher, Walker, The Speaker.

ABSENT — Carroll, Cooney, Cote, Lanagan, Gray, Jensen, Kany, Lizotte, Martin, R.; Morin, Peakes, Quinn, Snowe, Teague, Wagner, Webber, Winship.

Yes, 27; No, 106; Absent, 17.

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

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

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

Joint Order, Returning Budget to the Governor: (H. P. 1398)

Tabled — April 11, by Mr. Rolde of York.

Pending — Passage.

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

Mr. **CAREY**: Mr. Speaker and Members of the House: It pains me this afternoon to do apparently what has to be done. The order was truly an effort to bring together a Governor, who had little time to prepare a budget, with a legislature that had time to study that budget and had found it lacking in many areas that simply could not wait until September when the Governor wanted to do a patch job on it. This order was the instrument which would have brought the Governor and the Legislature together in a joint effort, which could have resulted in a better budget and a better understanding between the Legislature and the Governor's Office.

I am really disappointed that the Republican minority has caucused and voted to oppose this order as a body. While the Democrats did caucus, they took no vote. It places some of my friends in the Republican party at a disadvantage after having offered me their support and having given their word that they would support this order. I cannot leave my friends in this awkward position.

I noted that in this morning's paper that the minority leader criticized Democrats for this move to send the Governor's budget back. He was quoted as saying that it would be unfair for the legislature to play political football with the proposed budget. I would like to point out to the gentleman that this order is not a Democratic party order but the order of a member of that party, and at times not so faithful a member. He can't seem to realize yet that unlike the Republican party the Democratic party will allow its members to come up with an original idea occasionally. He has yet to realize that the Democratic party is the party that is in tune with the needs of the people of the state, which is evident by our number here. If anyone is playing political football, it is the Republican party who is voting, in effect, to refuse giving the Governor the input he should have had in rewriting this budget.

Only yesterday, the Appropriations Committee heard the Commissioner of Health and Welfare, Mr. Smith, present at this date what he called a completely new Health and Welfare budget, and he stated that the Governor was well aware he would be short of funds in the medical care account. Now, does the minority leader claim that this is balanced budgeting?

Mr. Speaker, I would now withdraw the order.

The **SPEAKER**: The gentleman from Waterville, Mr. Carey, withdraws his order.

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. **PALMER**: Mr. Speaker, Ladies and Gentlemen of the House: I know the hour is late and we are hungry, and I will take just a moment to explain my part in the gentleman of Waterville's latest go around with Governor Longley. It won't take too long because the issue here is a very simple issue.

Title 5, MRSA, Section 1888, requires any new Governor to submit his budget to the Legislature not later than the close of the sixth week of the regular session.

Titles 5, Section 1884, requires the Governor to demonstrate a balanced budget. Governor Longley has done that. The fact that some legislators disagree with how he has done it is of little consequence. The fact is that he has fulfilled his statutory obligation. He has had the courage to stand up to what he believes is right; the Legislature should do the same. The Governor has fulfilled his responsibilities. Returning the budget to the Governor would just be an abrasive action, one more abrasive action, an action which also might appear to be showing our incapability to facing up to our tasks as he tried to face up to his.

I don't believe that this legislature should have a relationship with the Governor which is like the teacher relationship with a student who sends the paper back and says do it again, do it again and keep doing it again until you do it the way I want it done. We have a committee here, Appropriations and Financial Affairs, and I have great confidence in them, and I think they have the ability to revise the Governor's budget and to put in that budget the priorities which we want put in. I feel this will happen; I feel the other would have served us to no avail. I would also like to remind the good gentleman from Waterville also, with a vote of 91 to 59 in this House, I am sure that if he wanted to put his order through he could have.

Mr. Rolde of York was granted unanimous consent to address the House.

Mr. **ROLDE**: Mr. Speaker, Ladies and Gentlemen of the House: I rise now to state that I regret the remarks that the gentleman from Nobleboro made that were printed in the paper yesterday attacking the Democrats because of the order of the gentleman from Waterville. Perhaps Mr. Palmer was getting a little bit impatient over the lack of partisan scrapping that we have had or perhaps with the advent of this nice Spring weather he is feeling the stirring of some youthful blood, but I think he picked a rather odd issue because the Democrats had not taken a position on it.

As I stated yesterday in caucus when we debated this to see whether we would take a position on it, I was sympathetic to what Mr. Carey was trying to do. I noticed when he talked yesterday at the caucus he spoke in his position as the Mayor of Waterville, in which he expressed very great concern over that aspect of the Governor's Budget which might cause his community to have a property tax increase, and I know a great many communities are concerned over this fact that the Governor's budget is a budget that is financed with a property tax increase, and the gentleman from Waterville expressed his concern with many of the other problems with the budget. However, as I stated yesterday too, I probably, if this order had been brought to a vote today, I would

have opposed it, because I did not necessarily think this was the exact way to deal with the budget problems.

At our caucus we voted not to take action on this order until further budget revisions were presented to the Appropriations Committee, and perhaps that was one of the effects of Mr. Carey's questioning of the budget, was to help these departments or to force them to reexamine their budgets, and they have done that.

As I understand it, the Health and Welfare Department came before the Appropriations Committee yesterday with a completely revised budget. So, I am really sorry that the gentleman from Nobleboro has injected politics into these budgetary problems. We are going to have enough problems with the budget as it is without the complications of partisan feelings. I can well remember the Governor's original statement to the leadership when we met with him one night at the Blaine House and asked him questions about the budget and he said he would present a budget to us and that would be the budget as it is, and any changes that were made in that would be governed by bureaucracy or tax increase by the legislature. This was the type of challenge that he flung at us and that Mr. Carey has responded to. Now perhaps Mr. Carey's approach was one we can not accept, but I certainly commend the gentleman for his sincerity in presenting it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I don't think anyone here is any more friendly with the gentleman from Waterville than I am. I know him through and through. I know that yesterday afternoon he spent all afternoon in the Appropriations room. I know that I asked him on five different occasions yesterday to call me up at home last night. He did not call me because he knew that I was going to try to talk to him and talk to him hard. I know that he made up his own mind as to what to do today. I commend him for it and I think it is good sportsmanship and his attitude that he took this morning I know was hard for him to do, but he did it in the interest of good government, he did it because he thought in his own conscience and his own mind that is what he ought to do and I am sure the gentleman from Nobleboro, Mr. Palmer, joins me in that. I would like to suggest at the same time that since January 1 I find myself in a new delightful role that I never played in my life, not too many people win arguments.

Mr. Gauthier of Sanford was granted unanimous consent to address the House.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: It was reported in the paper, Press Herald of Saturday, April 12, 1975 that when we were discussing the bill adding another judge last Friday I was misquoted and it reads as follows: Raymond Gauthier, Chairman of the House Judiciary Committee, had talked to the Supreme Court Chief Justice, Armand Dufresne, Jr., on the phone, and I quote, "The Chief Justice had told him that it was more important to add a justice than to increase salary of judges, leaving the impression that the judge was more interested in adding the additional judge." This was not what I said in my debate in the House. The reply was that the judge was very much interested, equally interested in both, the increase in pay for the judges and the additional judge, and that my reply to him was that due to the money scarcity at this time that we would try for one or the other and that we couldn't guarantee

anyone anything, that he would have to choose between one or the other and he said, "Well, if I have to, it would be the additional judge." That is what I said.

(Off Record Remarks)

On motion of Mr. Berry of Buxton,
Adjourned until nine o'clock tomorrow morning.