

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, April 22, 1975

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

Prayer by the Rev. Lee Tyson of Portland.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Ought Not to Pass**

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Require Certain Lighting on Snow Plowing Vehicles" (S. P. 326) (L. D. 1103)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Resolve, Providing for Purchase of Copies of History of the University of Maine at Farmington (S. P. 278) (L. D. 923)

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Prevent Unauthorized Hunting on Private Property" (S. P. 346) (L. D. 1147)

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Establish a Game Preserve at Newbury Neck in Surry" (S. P. 364) (L. D. 1167)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Appropriating Additional Funds for Direct State Aid to Local Libraries at 10 Cents Per Capita" (S. P. 383) (L. D. 1238)

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

Leave to Withdraw

Committee on Natural Resources reporting Leave to Withdraw on Bill "An Act to Redefine Critical Areas Under the Act for a State Register of Critical Areas" (S. P. 275) (L. D. 922)

Committee on Appropriations and Financial Affairs reporting same on Bill "An Act to Appropriate Funds for Adequate Topographic Mapping of the State" (S. P. 355) (L. D. 1155)

Came from the Senate with the Reports read and accepted.

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

**Ought to Pass with
Committee Amendment**

Committee on Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-60) on Bill "An Act to Require the Bureau of Purchases to Publish a Manual on State Purchasing" (S. P. 323) (L. D. 1100)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Establish an Alternative Method of Support Enforcement" (H. P. 1468) (L. D. 1793) on which the House insisted on its former action whereby the

Bill was referred to the Committee on Performance Audit in the House on April 18.

Came from the Senate with that Body having adhered to its former action whereby the Bill was referred to the Committee on Health and Institutional Services in non-concurrence.

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

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Phase out the Present Form of County Government, Transfer its Functions to other Government Units and to Direct the State's Advisory Commission on Intergovernmental Relations to Make Recommendations to the Special Session of the 107th Legislature" (H. P. 1445) (L. D. 1819) which was referred to the Committee on State Government in the House on April 10.

Came from the Senate referred to the Committee on Local and County Government in non-concurrence.

In the House:

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

Mr. COONEY: Mr. Speaker, I move this lie on the table one day.

Whereupon, Mr. Dam of Skowhegan requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that this matter be tabled pending further consideration and tomorrow assigned. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 77 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

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

Mr. Shute from the Committee on Election Laws on Bill "An Act Placing Time Limits on Paid Political Advertising Prior to Primary and General Elections" (H. P. 1) (L. D. 6) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Call from the Committee on Election Laws on bill "An Act to Change the Date of Primary Elections" (H. P. 860) (L. D. 1044) reporting Leave to Withdraw

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mrs. Durgin from the Committee on Election Laws on Bill "An Act Changing the Date of Primary Election to the First Wednesday after Labor Day" (H. P. 4) (L. D. 9) reporting Leave to Withdraw.

Report was read.

Mr. Kelleher of Bangor moved the Bill be substituted for the Report.

On motion of Mr. Tierney of South Berwick, tabled pending the motion of Mr. Kelleher of Bangor to substitute the Bill for the Report and specially assigned for Thursday, April 24.

Tabled and Assigned

Mr. Faucher from the Committee on Legal Affairs on Bill "An Act to Dissolve Hospital Administrative District No. 3 in Aroostook and Penobscot Counties" (H. P.

932) (L. D. 1176) reporting Leave to Withdraw

Report was read.

(On motion of Mr. Birt of East Millinocket, tabled pending acceptance of the Committee Report and tomorrow assigned)

Mrs. Chonko from the Committee on Labor on Bill "An Act Relating to Certain Exemptions under the Minimum Wage Law" (Emergency) (H. P. 1102) (L. D. 1383) reporting Leave to Withdraw.

Mrs. Chonko from the Committee on Labor on Bill "An Act to Expedite the Procedures of the Public Employees Labor Relations Board" (H. P. 1364) (L. D. 1411) reporting same.

Mr. Spencer from the Committee on Judiciary on Bill "An Act Concerning the Confidentiality of Records Held by the Department of Mental Health and Corrections, Certain Hospitals and Other Facilities" (H. P. 1130) (L. D. 1422) reporting same.

Reports were read and accepted and sent up for concurrence.

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 Concerning the Size of Municipal Populations in the Statute Requiring or Authorizing the Appointment of Boards of Registration" — Committee on Election Laws reporting "Ought to Pass" (H. P. 752) (L. D. 927)

Bill "An Act Relating to Throwing Objects at Emergency Vehicles under the Malicious Mischiefs Law" — Committee on Legal Affairs reporting "Ought to Pass" (H. P. 969) (L. D. 1220)

Bill "An Act Relating to the Release of Mentally Disordered Persons" Committee Amendment "A" (H-189) (H. P. 719) (L. D. 895)

No objections being noted, the above items were ordered to appear on the Consent Calendar of Wednesday, April 23, under listing of the Second Day.

Consent Calendar

Second Day

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

Resolve, to Reimburse Eugene W. Downer of Magalloway Plantation for Automobile Damage Due to Highway Construction (H. P. 1028) (L. D. 1317)

Bill "An Act Creating Kennebec County Commissioner Districts" (C. "A" H-179) (H. P. 929) (L. D. 1174)

Bill "An Act to Amend the Protection and Improvement of Air Statutes" (C. "A" H-180) (H. P. 694) (L. D. 881)

Bill "An Act to Clarify Market and Public Opinion Research Services Under the Unemployment Compensation Law" (C. "A" H-178) (H. P. 383) (L. D. 476)

Bill "An Act to Revise Certain Provisions of the Maine Health Facilities Authority Act" (Emergency) (C. "A" H-181) (H. P. 1027) (L. D. 1306)

Bill "An Act to Increase Certain Fees of Registers of Deeds" (S. P. 249) (L. D. 830)

Bill "An Act to Clarify the Definition of 'Approved Alcohol Treatment Facility' and to Allow Payments to be Made Directly to the Facility" (S. P. 273) (L. D. 879)

Resolve, Authorizing the Destruction of Student Fingerprint Cards Maintained by State (S. P. 380) (L. D. 1231)

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 up for concurrence.

Passed to Be Engrossed

Bill "An Act to Clarify the Licensing Requirement for Structures of 60,000 Square Feet under the Site Location Act" (H. P. 1519) (L. D. 1832)

Bill "An Act to Revise the Maine Medical Laboratory Act" (H. P. 1522) (L. D. 1835) (Emergency)

Bill "An Act Concerning Construction and Repair of Fishways" (H. P. 1523) (L. D. 1836)

Bill "An Act to Amend the Alewife Fishing Laws Relating to Municipalities" (H. P. 1524) (L. D. 1837)

Bill "An Act Relating to Registration of Certain Vehicles under the Motor Vehicle Laws" (H. P. 813) (L. D. 984)

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

Amended Bills

Bill "An Act to Permit Reimbursement of Attorney General's Cost of Investigation when a Permanent Injunction is Issued" (S. P. 206) (L. D. 696) (C. "A" S-67)

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

Second Reader

Tabled and Assigned

Bill "An Act Relating to Special Agency Stores" (S. P. 290) (L. D. 1015) (C. "A" S-59)

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

(On motion of Mr. Pierce of Waterville, tabled pending passage to be engrossed as amended in concurrence and specially assigned for Thursday, April 24.)

Resolve, Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers (S. P. 327) (L. D. 1113) (S. "A" S-70)

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

Second Reader

Tabled and Assigned

Bill "An Act Creating the Dickey-Lincoln Power Authority" (S. P. 189) (L. D. 662) (S. "A" S-75) (S. "B" S-77)

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

(On motion of Mr. Greenlaw of Stonington, tabled pending passage to be engrossed as amended in concurrence and tomorrow assigned.)

Second Reader

Tabled and Assigned

Bill "An Act Relating to the Shipment of Dogs and Cats and Prohibiting the use of Dogs or Cats in Commercial Promotions" (H. P. 238) (L. D. 294) (C. "A" H-176)

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

(On motion of Mr. Berry of Buxton, tabled pending passage to be engrossed as amended and tomorrow assigned.)

Second Reader

Tabled and Assigned

Bill "An Act Relating to School Buses" (H. P. 481) (L. D. 600) (C. "A" H-170)

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

On motion of Mr. Hennessey of West Bath, the House reconsidered its action whereby Committee Amendment "A" was adopted.

Mr. Hennessey of West Bath offered House amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-188) was read by the Clerk.

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

Mr. STROUT: Mr. Speaker and Members of the House: Not having a chance to research this this morning, I would hope that maybe somebody would table this for one day before we act on the amendment.

Thereupon, on motion of Mr. LaPointe of Portland, tabled pending the adoption of House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

Passed to Be Enacted

An Act Relating to Exemption of Law Enforcement Agencies and Courts under the Human Rights Act (S. P. 283) (L. D. 997)

An Act Concerning Residence Facilities of State Patients Released into the Community (S. P. 491) (L. D. 1738)

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)

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

An Act to Clarify the Law Relating to Group Insurance Certificates (H. P. 1485) (L. D. 1677)

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

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)

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.

A Message came from the Senate borne by Secretary Starbranch of that body proposing a Joint Convention to be held in the hall of the House forthwith for the purpose of listening to an address by His Excellency, James B. Longley, Governor of Maine.

Mr. Rolde of York was charged with and conveyed a message to the Senate announcing that the House concurred in the above proposition for a Joint Convention.

(Off Record Remarks)

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, Joseph Sewall, in the Chair.

On motion of Senator Trotsky of Penobscot, it was

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, Governor James B. Longley, and inform him that the two branches of the Legislature are in convention assembled ready to receive such communication as he may be pleased to make.

The Chairman appointed:

Senators:

SPEERS of Kennebec
CUMMINGS of Penobscot
CONLEY of Cumberland

Representatives:

DRIGOTAS of Auburn
MAXWELL of Jay
TWITCHELL of Norway
COX of Bangor
SUSI of Pittsfield
FINEMORE of Bridgewater
IMMONEN of West Paris

Convention at Ease

Called to order by the Chairman.

Senator Speers for the Committee subsequently reported that the Committee had attended to the duty assigned to it and that the Governor would attend the Convention forthwith.

At this point, His Excellency Governor James B. Longley, attended by the Executive Council, entered the Convention Hall amid prolonged applause, the audience rising.

The Governor addressed the Convention as follows:

Mr. President, Mr. Speaker and Members of the 107th Legislature — First of all, my deepest appreciation to this Legislature that almost to a person has been fair and constructive.

These are difficult days in our society. This country and this State need more cooperation and understanding and less pettiness and negativeness. This is a great country and this is a great State, and I commend this Legislature for its attempts to make greatness a reality of awareness for all. This April 22 can be one of the most important days in our history, as in the week ahead, as to whether or not this Legislature and this Governor have the commitment to recognize the responsibility long range as well as solve problems short range. So I am very appreciative of this opportunity to address you on a problem which affects each of us here as well as every citizen of this State. Most of you, I am sure, are now aware of the problem of underfunding in the education budget. I accept complete and total responsibility.

The problem must be solved and we must not waste time laying fault or blame; I accept it. As you know, this is a complex matter. The fact that there was a \$20 million deficit previously is not an excuse for allowing an error to repeat itself. This should have been all the more reason to have been fore-warned. Please do not look for anyone to blame, but the Governor. I accept full responsibility.

But in every negative there is a positive, and I pledge to you that we will set up every possible safeguard to make certain it doesn't happen again. I will take it upon myself to make certain the Legislature has accurate data from the departments of state government in the Executive Branch, for which I have responsibility. This will aid not only the present Legislature but subsequent Legislatures as well.

While I accept the responsibility for this

particular error in the budget, I think we all acknowledge that the problems of education funding brought on by the enactment of L. D. 1994 are far greater than one error in calculation. As you already know, this Legislature and this Governor have already had to absorb a \$20 million deficit, attributable to L. D. 1994. In addition, several other problems have arisen because of the enactment of this law. I want to share them with you.

1. The fact that some of our towns and cities have cried unfair because they feel the law treats them unequitably.

2. Some of our towns and cities have had to postpone their annual meetings and their budgets because of confusion over the law.

3. Even legal counsel, as recent as a few moments ago, including the State Attorney General, continue to have questions relative to the law and questions of the bill's constitutionality.

4. Many people in the State of Maine are confused as to what the law provides and many of us are confused and have questions as to the advantages and/or disadvantages of the bill.

We all know that hindsight provides a clearer picture of what has been and what should have been, while foresight can only tell us what might be. I also am becoming increasingly aware that there is no short course in experience, and for that reason, we are grateful for the expertise, experience and awareness that so many of you here possess and are willing to share, including early morning notes and a telephone call this morning, a dedicated legislator placing interest of the State above himself.

While I fully support the concept of equal educational opportunities for all and for property tax equalization, had I known of the difficulties we would encounter with L. D. 1994 on January 2nd, I likely would have called for repeal of the law when I began my term as Governor. But, here again, hindsight has an advantage over foresight.

I think it is well worth pointing out at this point that counting the \$20 million deficit we inherited, we are talking about some \$30 million of additional costs that were not foreseen when the original law was enacted. Thanks to the talent within the Legislative Finance Office where an error was spotted in advance of creating the type of problem this same bill created earlier, we hopefully avoided another multi-million dollar deficit.

I am also grateful to those legislators who have come forward these last few days and offered to help, especially the legislative leadership. As a matter of fact, the proposed solutions which we are offering are the benefit of their input and thinking and we are grateful to the entire Legislature, each and every one of you, for the cooperation most of you have shown. It is almost without exception, for the entire budget area. The deliberations and the approach have been constructive and in the best interest of this State. This has been true in the recent problem of education funding.

Again, I pledge to this legislature to do everything possible to develop more accurate data for the Legislature in the future. On this point, I want to say that I feel the Education Committee under Senator Katz and Representative Lynch's leadership have done a magnificent job in attempting to provide equality of education and still make the law workable. It is very important that the cities and towns of this State assume a fair share of the

responsibility for the problems we now have and, therefore, I do not think it is unfair to ask them to share in the solution to the problem. As I said in my opening, solutions to the long-range problems are as important, I feel, as well as solutions to the current problem.

However, at the moment we must address ourselves to the current problem. At the outset, the problems of L. D. 1994 tell us two basic things:

1. The decision-making process in state government has got to get back to the Legislature and the Governor. We cannot afford to have an extra branch, namely the bureaucracy. By the same token, I am certain many dedicated public officials and state employees want to be supportive to the Legislature and the Governor rather than attempting in any way to try to pre-empt the legislative and executive branches.

While speaking of dedicated state employees, I would like to say that we are indeed fortunate to have Sawin Millett as our new Commissioner of Education. Thanks to his background and experience in the halls of this Legislature, plus his own educational expertise in the area of school funding, we feel without qualification that we could not have a better person helping us solve these problems or a better person to help us make the determination of what must be done between now and the special session regarding L. D. 1994.

There are reasonable and well-intentioned persons within the halls of this Legislature and throughout state government who say that we have not had ample time to see if the L. D. 1994 concept is workable. There are others among us who feel L. D. 1994 was an unfortunate mistake.

Let's pause a minute and take a look, a good look, at our education spending, spending that has continued to snowball despite a basically stable population and despite indications that the school age population in the State is decreasing.

The total expenditure for elementary and secondary education for 1971-72 was \$183.2 million. For 1975-76, these same expenditures are projected at \$269.8 million, approximately a 50 percent increase. If the current trend is allowed to continue, the expenditures of 1971-72 could easily be as high as \$360 million by 1980.

I am personally afraid that under the concept of 1994, we are taking away from the towns and cities the opportunity to slow down this awesome rate of increase. We are taking this opportunity away from the very units of government which have historically exercised fiscal control and financial responsibility and entrusting the decision-making process more and more to the hands of the state government. This is not true government by the people. It smacks much more as government influenced to a large extent by a very few people. I submit L. D. 1994 has already demonstrated that some local governments will depart from their historical path of fiscal responsibility if the state government holds out extra dollars as a lure. After the enactment of L. D. 1994, school construction in the towns and cities approved by the State Board jumped from \$26.6 million in 1973 to \$46.6 million in 1974. The bus purchases alone jumped from \$1.1 million to \$2.6 million after enactment of L. D. 1994.

Maybe some of the construction and some of the new buses were needed, but I submit to you that the towns and cities which charged ahead did not do so with the

same reason and prudence they had in the past when they controlled their own spending. In many cases, they did not spend State dollars the way they would have spent their own local dollars. I submit some of these decisions were not based solely on need. They were made at least with a partial realization that there were free-floating dollars in Augusta for the taking and that they should get their share.

We must say to the towns and cities which want more local control that they have to join with us to bring about fiscal responsibility. The cities and towns can't plead local control on the one hand and demand more and more dollars from Augusta on the other hand, there has to be a balance. I believe fiscal responsibility will be much higher with spending decisions on the local level wherever possible.

One of the three alternatives I will ask the Legislature to consider to resolve this problem will be repeal of L. D. 1994. However, my alternatives will be listed in order of my priority and repeal will be listed number three. If the Legislature chooses to select one of the other alternatives which do not advocate repeal at this point, I would ask that the Governor and the Legislature appoint a continuing task force to make a detailed study of L. D. 1994 between now and the special session this Fall. I am informed by my Education Commissioner Mr. Millett, that we will have more data and a more accurate picture of the impact of the law at that point.

I will now list the alternatives and I say again they are in a priority order as I see them:

My first proposal to rectify the deficit relates to the funding of the employer's share of teacher participation in the Maine State Retirement System. A few years ago, this responsibility was shifted from the towns and cities to the state. Currently, the state pays 100 percent of the required annual contribution to this fund. These amounts are projected to be \$13.4 million for 1976 and \$14.6 million for fiscal years 1977, and growing. I recommend that the State reduce its obligation in this regard to 50 percent of the required contribution commencing in the fiscal year 1977.

In order to facilitate the transition of one half of this obligation to the local level and to provide the funds to balance L. D. 1994, I recommend that the State pay only half of its 1976 contribution (approximately \$6.7 million) in 1976. The payment of the remaining one half of the 1976 contribution would be deferred until 1977.

For the year 1977, the State would commence the policy of funding only 50 percent of this obligation and would pay that amount (\$7.3 million) in that year.

The net result of this change would be to provide the State with the \$7.3 million obligation transferred to the local level while combined with our projected \$8.3 million balance available at the end of the biennium will provide the amount needed to rectify the school funding imbalance.

Secondly, this solution will give the local communities the needed time to prepare for and restructure their priorities in their budget in order to face the requirement of absorbing one half of the retirement obligation for 1977 and thereafter.

I justify this approach on the basis that we have major fiscal problems in the funding of education, and this approach assists in returning the cost of education to the local level. Cities and towns should know the

true costs of education, including teacher salaries and fringes. The present system is confusing and fails to point out to the cities and towns the true cost of education. The retirement expense is a bona fide portion of educational costs and the towns and cities of this State should treat it as such in budgeting their educational programs in their own local budgets. In other words, the taxpaying community would have a clearer picture of the cost to provide an educator for their particular school system. The cost should include salary plus the corresponding fringe benefits.

Whether or not this option is the choice of the Legislature, I believe that this cost should be returned to the towns and cities in the future as this is where it belongs and the only way we'll ever have fiscal responsibility is to identify costs and have them closely supervised on the local level, particularly where it is properly a local level expense.

As a second alternative I propose that the Legislature appropriate the amounts currently included in the budget which is before you — \$123.5 million, less the amount of revenue loss anticipated in L. D. 1452 of \$3.1 million or \$120.4 million for fiscal year 1976 and an amount of \$134.2 million from the \$136.2 million less an anticipated revenue loss of \$2 million for fiscal year 1977. This is confusing to use figures and we will share this information as soon as we can with you. We would then distribute this to the communities on a pro-rated basis under current law as revised by L. D. 1452.

This alternative can also be accomplished through a similar approach by an actual reduction in the percentage distribution funded under the law from 50 percent to a possible 46 percent or 45 percent level. This alternative has the advantage of maintaining the integrity of L. D. 1994 and would allow us to live within our budget constraints.

A third alternative would be to repeal L. D. 1994 and return to the previous subsidy law, adjusted to a distribution level consistent with the total dollars which are now available. Since this approach would require a substantial time commitment in drafting the necessary legislation and in adjusting the levels of state participation to produce a minimum of disruption to the cities and towns be completed. However, alternative a lower priority than would otherwise be the case. As I have already said, had I had this short course and intensive course in experience at the time I was inaugurated your Governor, I most likely would have recommended the repeal of 1994 at that point in time. Were it not for the time factor which we are now facing, this would be my first choice. I am, therefore, recommending that this alternative be deferred in order that a more comprehensive evaluation of the expenditure and budgetary patterns of the cities and towns be completed. However, based on information reaching me this morning, if constitutional question, questions of constitutionality should delay the solution, I recommend repeal rather than a tax increase at this time. If L. D. 1994 is retained and funded for the first year of the biennium, it will be my intention to appoint, with the support of the Legislature, a commission similar in composition to the Education Subsidy Commission to continue to conduct this type of an evaluation with their charge being to make specific recommendations on repeal and/or modifications on the existing law prior to a fall special session of the Legislature.

As Governor, I will commit to approving any one of the three alternatives which I have presented. Should the Legislature decide to embark on another course, that legislation will be given my full consideration when it reaches my desk.

I am opposed to any increase of taxes on a statewide level. I have said repeatedly that there is no such thing as a state, federal or local tax dollar. The same applies in reverse, they are all our dollars. Tax dollars are tax dollars whether they are paid to cities, towns, the state or the federal government, they are our dollars.

Under the alternatives we have proposed, there could be some tax impact in the cities and towns, but I submit a tax impact and increase should be less when we turn more decisions back to these local units. I feel without reservation that the closer we return government to the people, the more accountable it becomes to the people. This is as true in getting government back to the cities and towns in Maine as it is in getting priorities and decisions back from Washington to Maine. We best get government back to the people by getting it as close as possible to the people, and I challenge the cities and towns in this State to accept an approach in getting government back to them that also calls on them to participate in the price that has to be paid.

Past Governors and Legislatures, as well as the current Legislature have not asked the State to do for them. They have done what they have felt was best for their state and their country, and I feel this Legislature and this Governor will do no less in the months ahead. Thank you for your understanding and thank you for the months ahead.

At the conclusion of the Governor's address, the Governor and his suite withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its Chambers amid applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

Orders of the Day

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

Bill "An Act Relating to Filing Requirements for Perfecting a Security Interest in Mobile Homes under the Uniform Commercial Code" (S. P. 297) (L. D. 1023) — In Senate, Passed to be Engrossed as Amended by Senate Amendment "A". (S-65).

Tabled — April 18, by Mr. McMahon of Kennebunk.

Pending — Passage to be Engrossed as amended in concurrence.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Before making a motion on this, I would like to pose a question to any member of the Business Legislation Committee and ask them if in fact this bill will represent any loss of revenue to municipal clerks?

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, poses a question through the Chair to any member who cares to answer.

The Chair recognizes the gentlewoman

from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: In answer to that question, in some cases it will, but I think the benefits of having them all file in one location overshadows that, because many cities and towns throughout the state do not permit mobile homes, many of them are brought in by out of state people who are not residents of the state, and they would be, under present law, required to file in Augusta. Many of them are in unorganized areas, and those presently would file in Augusta. The way it is now, it is scattered all over and it just seemed that it would make more sense and more uniformity and we could keep track of the mobile homes to make sure when they are sold they are filed.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentle lady from Portland, Mrs. Boudreau, for her answer.

I gave this bill to my town clerk Friday at Mr. Dam's suggestion, and I asked her to take it to the Clerk's Association in York County, which just happened to be meeting Friday. She did, and they are unanimously opposed to this bill. I therefore move its indefinite postponement and I request the yeas and nays.

I would further add that recently I attended a meeting of the York County Freedom Fighters, chapters of which are existent all over the state. The greatest impact that that group made on me as an individual legislator there was exhibiting their concern for the lack of our concern as to laws that affect them. This, perhaps, is a small item, but it is the first, I think, of many bills that are going to be coming before us this session, and I suspect that I will be reacting in a similar manner on many of the others.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, moves that this bill and all accompanying papers be indefinitely postponed.

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

Mr. CXHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I not only support Mr. McMahon's indefinite postponement, but I would like to explain my reasoning in the clerk that I spoke to. This is a matter of taxation, of collecting taxes on the mobile homes in the outlying areas. At the present time, usually the same person that takes care of filing of these chattel mortgages are also the same persons that do the bookkeeping in the town and also assists the collector in assuring who owns these mobile homes.

This is just another layer of bureaucracy, you might say, because they have to come through Augusta now if they want to check. If this bill should pass, when it comes time to assess these mobile homes and send out the tax bills, they would have no way of finding out. Also, the argument was given last time on automobiles that it was on account of stolen automobiles, and I don't believe there are many mobile homes hauled into the state that are stolen. We are just undermining our local government. The clerks in the three towns I spoke with are very much opposed to this and I certainly support the indefinite postponement.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: On this bill, I would like to say that at the hearing, as I

understand it, they did not have any opposition, but I would like to put into the record why they did not have any opposition, because this was an oversight or misunderstanding on the part of the Clerk's Association. The clerk in my town is the President of the Maine State Clerk's Association as well as a member of the International Clerk's Association. At the time this bill was coming up for hearing, she had been in bed for two weeks, laid up, and she was ill, so she did not have an ample chance to get all the notices out to the various clerks.

While some clerks would not actually be affected in their salary or in their pay, whatever you want to call it, it would affect the municipality, it would take money away from the municipalities, should all go along with the indefinite postponement motion made by the gentleman from Kennebunk, because somewhere we have got to stop taking the money away from the municipalities, whether we take it away in the form of fees, and if we do that, sooner or later we will have a bill in here to enact the minimum pay scale for town clerks that work on fees.

The other thing, if we take it away from the towns, it is only picked up one place, there again on the property tax. It is very easy for us to sit down here and pass bills that take money away from the municipalities. I think the time has come that we have got to stand on our own two feet and say that we are going to recognize the rights of the municipalities and that we want that money to stay in the local area and not keep siphoning it off with these bills one at a time as they come in. And I can assure you that if this bill is allowed to pass today, at the next session there will be bills in here to take away other filing from the town clerk. This is only the opening of the door. This is the back door approach to taking the money away from the towns and bringing it to our state level.

I think we just got done hearing the good gentleman of the State of Maine saying that these burdens and problems and the decisions should go back to the local level, and they should, because a dollar at the local level is worth a lot more than a dollar sent to Augusta and then returned in some other form to the local level or a dollar sent to Washington and then returned to the local level, because the more hands that the money passes through, the less that comes back. But when the municipalities get a dollar, they get the whole dollar.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This bill was passed by the Business Legislation Committee to hopefully alleviate a problem that was found by the good Senator from Androscoggin, I believe. Presently there is some disparity in whether or not when someone files for these mobile homes they file in the place where they bought the mobile home or where they moved it to or where it is permanently located. Consequently, some people have been filing in two places, some in the place where they bought it, some in the place where they reside, and I think it was the intent of this bill to put everything into one barrel, if you will, and send it to Augusta.

I may not agree with that, as the good gentleman Mr. Dam has already mentioned. I agree because Scarborough probably has as many mobile homes in it and as many mobile home sellers as any

town in the state, and this crossed my mind when the hearing was held and I did in fact ask if it would be better to leave it in the towns or at least to just set forth where the filing fee would be paid, if it could be said it will be paid where it is bought or where it is housed, one way or the other. As I said, no one seems to know which place. So I would suggest if this is indefinitely postponed, maybe an amendment or another bill could be brought in to alleviate the disparities that there are and say which place this filing fee will be paid in.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker and Members of the House: I was the sole member of the Business Legislation Committee that signed this bill under discussion "ought not to pass." I hope it doesn't, and I will probably help it by getting up.

There really isn't much of a problem; it's about \$15,000 total. There is no registration required of anybody except to protect the rights of the lender. If the lender wishes, they may record in the community of sale, they may record in the community of residence, they may record in the registry in the county, and they may record right now in the Secretary of State's Office. If they wish to do so, they simply pay \$5 for each registration.

It really isn't a great problem. If all registrations were reduced to those that the lender thought necessary to cover themselves two or three times, you are probably talking about \$2,100. It is, in fact, an attempt, and perhaps a justified one, to create a central registry in the Secretary of State's Office. It is not a great problem.

The SPEAKER: The pending question is on the motion of the gentleman from Kennebunk, Mr. McMahon, 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. 90 having voted in the affirmative and 14 having voted in the negative, the motion did prevail.

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

Mr. McMAHON: Mr. Speaker, I now move we reconsider our vote and hope you all vote against me.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, moves that we reconsider our action whereby this bill and all accompanying papers were indefinitely postponed. All in favor of reconsideration will say aye; those opposed will say nay.

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

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

Bill, "An Act to Extend the Back Bay Sanctuary, Portland" (H. P. 1501) (L. D. 1824)

Tabled — April 18, Mr. Snow of Falmouth.

Pending — Passage to be Engrossed. Thereupon, on motion of Mr. Snow of Falmouth, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act Relating to Amount of Annual Excise Tax on Railroads." (H. P. 1494) (L. D. 1740)

Tabled — April 18, by Mr. Finemore of Bridgewater.

Pending — Motion of Mr. Maxwell of Jay to Indefinitely Postpone House Amendment "B" (H-165).

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am standing here this morning in support of Amendment "B" and in opposition to the motion of the gentleman from Jay.

I would call your attention to the Statement of Fact on "B", and I trust you have it somewhere where you can reach it, and I would apologize for an omission in that Statement of Fact due to the pressure of time and because the original bill used figures which only were affected by the changes for the Maine Central Railroad. But the original bill includes all railroads and the railroad excise tax revenue fact sheet that was drawn and signed by Mr. Bodwell of the Excise Tax Department which was distributed last Friday and which I think you probably all will recognize, and I hope you can find it on your desks because I would like to go through it a little bit for you, that fact sheet does contain the exact figures from the Excise Department and it gives the total for all railroads over a considerable time span.

I provided you with this information to indicate the very favorable change for the railroads that has taken place. If you will take a look at this fact sheet, excise tax revenue, as it is labeled at the top, which was provided for us by Mr. Bodwell of the Excise Tax Department, you will note that it starts in the top half in the year 1963 and carries across to the right through the years. We get over to the right hand side and it is 1968 and we need more room, so we drop down to the middle of the page for '69 and so forth. And in order to facilitate your following these columns of figures, I have drawn lines, one with X's on it and a wavy line.

First, I would call your attention to the line with the X's on it. You will note that in 1963 we had revenues from this tax that we are talking about in this bill of \$832,816. That was because even though all the railroads — I am not sure if it was all of them, but most of them reached the minimum which was then 2 percent. It was 2 percent and hence that volume of money coming into the state. The same was true in '64. Then the law was changed by the largesse of the Legislature and it dropped down to one percent. So you follow and in '65 through 1970 and '71, you will notice the receipts were in the area of \$450,000 to \$500,000, quite a reduction from what was available in '63 and '64 and obviously the years before that. Then in 1972, you continue to follow the line with the X's on it, you will find that we were at nine-tenths of one percent and the revenue dropped off a little bit, even though it had been increasing, and finally in 1973, the last year that we have actually collected the tax, it dropped down to a quarter of one percent, or \$147,630. In other words, ladies and gentlemen, we had, in ten years, in spite of and in face of increased railroad operating revenues, operating receipts, dropped from \$832,816 to \$147,630 on this tax.

Now if you will follow the wavy line, which starts out in the same place in '63 at the 2 percent level and follow it across the page and then drop down to line 31 where it continues, you will see the amount of

money that the state would have received after 1964 if we had continued the 2 percent. And you will note that in 1973 that would have amounted to \$1,181,040 in contrast to the \$147,000 that it did bring in. I submit that that is quite a difference, ladies and gentlemen.

Instead of an 82 percent decrease in revenue, we could have had a 42 percent in revenue, which would have paralleled the same 42 percent increase in railroad gross transportation receipts that the railroads obviously enjoy.

Now, when we get to column 6 on this sheet, we are talking about 1974. It is on the lower half of the sheet to the right of the heavy, black, vertical line. We see three or four figures, and these represent the alternatives that we have before us. I would call your attention to line 23, which is the '74 equivalent of the 1973 figure, and you will notice that it is up to \$160,820, a rather magnificent increase. That is revenue that would be forthcoming with this bill in its original form. That is where it is right now, before Amendment "B" is put on. That is the legislation that we have voted on there in this House. We have created a situation where we are going to collect for 1974 \$160,820. That is a loss of \$615,744 in prospective revenue from what there would be if we didn't have this bill before us at all; all of which stays in the treasury of the Maine Central Railroad. Now I call that a mighty generous gift from the people of Maine, for which I am sure they will be pleased and proud of their Representatives in Augusta.

Now let's drop down to the line which refers to Amendment "B", and that is what we are talking about. Amendment "B", of course, shows a \$1,286,560 figure. That is pretty significant in light of some of the information we have already had this morning. And that is the revenue that comes from all the railroads if you adopt Amendment "B". Of course, out of this, the Maine Central will pay \$564,980, which is a little bit less than they do under the law as it exists now without this bill at all, and all the other railroads have to take up the slack because we are bringing the law back to the same minimum that they paid in 1964, but giving the benefit that they are asking for under this bill. They are going to have it the way they want it as far as that is concerned.

Now, Amendment "B" is my answer to the railroads. I spent quite a bit of time with them, with their top financial people the other night. I admit to being in over my head as far as bookkeeping is concerned. I am not an accountant, I run a small business. I thought I knew something about cash flow, especially the cash that flows out in expenses before you make a profit, but their terminology is beyond my depth and I just plain don't understand their explanation, but I do understand the figures on this sheet and I think you people can understand the figures on this sheet. You can see what has happened to railroad excise tax revenues in the face of rising railroad receipts. I am only asking what is fair for the people of Maine. Look at all the dollars that have been lost forever because the rate was cut below 2 percent in 1965. You add them up. There is \$4,857,000 in those nine years from 1965 through 1973. If you don't pass Amendment "B", there is another \$1,125,740 in 1974. If you compare the 2 percent with amendment "B" to the one quarter in the present law, even after we agree to the railroad's original bill.

You are just getting passed out on your desks another sheet which comes from

information in the Excise Tax Office and I brought it to you to show you all the railroads in Maine because, frankly, there are more than I realized there were, to show you what the mileage is that they have in the State of Maine, and using 1973 as a year of illustration, show the amount of excise tax they paid in 1973.

I would call your attention to the little Belfast and Moosehead, a 33 mile railroad in the State of Maine, which paid \$8,200 in 1973 in this excise tax. If you look down at the bottom, you will note that Belfast and Moosehead for the three years of 1971, 1972 and 1973, due to the calculations and their position made enough money so they had to pay more than the one quarter of the one percent minimum. They paid the minimum in 1970, which at that time was one percent. They paid their maximum, which for a 50 mile or lower railroad is only 1 1/4 percent, through 1971, 1972 and 1973, and contrast this \$8,200 figure that they had to pay for a 33 mile railroad with the figure that Maine Central paid of \$62,000, less than eight times as much for a railroad that has got 20 times as many miles. I didn't find, or don't recall, in the 105th Legislature the Belfast and Moosehead in here to get this law changed. It is a situation on this excise tax that has

I am sorry to have taken so much of your time this morning, ladies and gentlemen. I did want to get all the facts before you. I don't think very many of us realize the tax situation on this excise tax that has been accruing to the advantage of the railroads over these many years. I will just review it.

If you look at line 23 you are talking about bringing in \$160,820, just what the railroad ordered, just what the Maine Central Railroad ordered. If you look at line 34, you are talking about \$1,286,560. It is figuring the way the railroad wants to figure but bringing the minimum of 2 percent back to its 1964 level. Ladies and gentlemen, I may be a Bobsey Twin, but I am not Santa Claus, and I am not Santa Claus coming down a locomotive smoke stack. If I know a give-away when I see one.

Amendment "B" would turn around the give-away we came very close to choosing a week ago, so I hope you will vote for Amendment "B". Let's ring these bells and toot those whistles for the people of Maine. Vote no on this indefinite postponement motion. Push those red signals to stop this grab on the people of the State of Maine.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The confusion that I was subject to last week eventually resulted in the meeting that the gentleman from Farmington has mentioned, at which the gentleman from Dover-Foxcroft, myself, the gentleman from Farmington, the gentleman from Pittsfield, two lobbyist and two railroad corporate officers attended.

My confusion first came up on the basis of the bill which sought to remove from the computations of the railroad excise tax the funds identified as incentive per diem. My confusion rested on the opposed statements that I had been hearing and on the floor I heard that these were expense items, they were expensed out and that they replaced money that would otherwise be spent for this purpose.

I am reading into the remarks of the gentleman from Farmington the fact that we do seem to be on common ground as

regards these two specifics, that they are indeed not expense items and that they have not replaced funds that would have otherwise been spent, and on that basis I can support the proposition, that we remove from the computations of the excise tax these funds identified as special incentive per diem. Now, I am measuring the gentleman from Farmington and his amendment in effect saying, if we are going to lose the revenue that should be removed from the computations, we should recover it by making basic changes in other aspects of the computation of the railroad excise tax.

I just want you to know that as a result of this meeting that the gentleman from Dover-Foxcroft is presenting an amendment and a study order that would in effect limit this removal from the computation for a period of one year and order a study of this question of the railroad excise tax, which I would have to agree does seem to be a mighty funny way to run a railroad and I have no quarrel with the gentleman from Farmington's figures. He has brought us through a very clear and concise portrayal of what has happened to this income. But I just thought I would just like to bring to this group the fact that I think we are now on common ground as the treatment of the special incentive per diem money and to inform you that on the basis of the experience I have had, and I, too, like the gentleman from Farmington, am not an accountant, that I find the most sensible route to follow to be that that I expect the gentleman from Dover-Foxcroft, Mr. Smith, to lay out for us in his proposed amendment and study order.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker has made reference to the copy of the study order that is on our desk and I most certainly would support that. I feel that it is a very complex field and it deserves some attention from some people so that they can come in with clear recommendations, perhaps in the fall session. I think as a compromise thing that the further proposal from the member of the Appropriations Committee that the effect of this legislation be restricted to one year is perhaps a reasonable compromise on this.

I would like to speak particularly to the amendment that is before us, House Amendment "B", on which we have a motion to indefinitely postpone, which I oppose. I support the amendment. It is necessarily a very complex subject, but in order to deal with it, we have to have complex explanations for. We were criticized on both grounds that we are too complex and we didn't give enough detail, so, I guess there was really no way to win.

If I may attempt to simplify this issue, apparently back several years ago, I don't know just when the railroad made the proposition to the Maine Legislature asking that the Maine Legislature not sock the railroad with high property taxes at times when they didn't have their earnings. That to me is a sound premise any time. I wish that we could extend that same sort of principle to all business so that they wouldn't be burdened with heavy property taxes at times when they don't have net income. The legislature, at any rate, did extend this courtesy to the railroad whereby they were given an absolute minimum property tax rate in the form of an excise in lieu of property tax, those

years when they had income, net income less than \$3 million, roughly. So for a number of years the railroad was the beneficiary of this trade which they instigated, whereby until their profits exceeded \$3 million they would be on this minimum excise tax rate in lieu of property tax, with the understanding that when and if they make the money, then they would be willing to pay. The time has come; they have made the money and now in effect with this legislation they are saying that we don't want to pay now either.

Apparently, there are people in the legislature who feel that there is some basis for granting them this relief. Perhaps again we have something that is acceptable to all hands in this amendment which would reduce the impact of the excise on them this year, but it would place it at a somewhat higher level year in and year out. I hope that you support House Amendment "B". This isn't an easy topic, but I think perhaps that this is as good a solution as we are going to get.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I have problems with the bill and I am not about to start giving you a number of figures like we have heard in the last three or four days. The problem that I have got with the bill is probably the concept of what the bill does. I think really we are getting ripped off. Now, I have been ripped off a couple of times and I probably will again, but it never happens without me protesting a little bit in between.

I have constituents at home that know the State of Maine right now has a deficit of around eighteen or nineteen million dollars. They know we don't have the money to pay the state's bills. A couple of them have asked me, how can you give a railroad a half a million dollars of our tax money when you don't have enough to run the state? Are you going to give it away and turn around later and sock it to us with a tax increase? It is a difficult question to answer. I hope that the people who support this bill can answer that question, because that is just exactly what is going to happen.

I am not particularly enthused about the amendment, but I suppose the amendment does make the bill a little easier to live with. I will be hanging around waiting for the enactment stage and maybe then we can do what ought to be done.

Mr. Susi of Pittsfield 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 ordered.

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

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Chonko, Connors, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Dudley, Durgin, Farley,

Farnham, Faucher, Finemore, Flanagan, Garsoe, Gould, Hall, Hennessey, Hewes, Hunter, Hutchings, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kary, Kauffman, Kelleher, Kelley, Laffin, Lavery, Lewin, Lewis, Lizotte, Lovell, Lunt, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Miskavage, Mitchell, Najarian, Norris, Peakes, Pelosi, Perkins, T.; Peterson, P.; Pierce, Raymond, Rolde, Rollins, Shute, Silverman, Smith, Snow, Spencer, Stubbs, Teague, Torrey, Truman, Twitchell, Tyndale, Usher, Walker, Winship, The Speaker.

NAY — Berry, P. P.; Carpenter, Carroll, Connolly, Cooney, DeVane, Doak, Drigotas, Dyer, Fenlason, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Higgins, Hobbins, Hughes, Immonen, Kennedy, LaPointe, LeBlanc, Leonard, Lynch, MacEachern, Martin, R.; Morin, Morton, Mulkern, Nadeau, Post, Powell, Quinn, Rideout, Saunders, Snowe, Sprowl, Strout, Susi, Talbot, Tarr, Theriault, Tierney, Tozier, Webber, Wilfong.

ABSENT — Carter, Churchill, Clark, Curtis, Dow, Hinds, Jalbert, Littlefield, Mackel, Mills, Palmer, Perkins, S.; Peterson, T.; Wagner.

Yes, 88; No, 48; Absent 14.

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

Mr. Smith of Dover-Foxcroft offered House Amendment "D" and moved for its adoption.

House Amendment "D" (H-177) was read by the Clerk.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "D" is basically, with one little difference, the amendment that Representative Susi the other day first recommended for your consideration, and that is something that sort of snuck up behind us and we didn't get a chance, at least I didn't get a chance to consider it. I voted for it thinking probably it was a good idea to simply enact this bill for one year and then do something in the meantime to clarify what the state tax policy in this whole area ought to be. I was informed by the parliamentary powers that be that I couldn't put in Mr. Susi's amendment as it was worded again. So this is actually for two years, but I am going to introduce an order just as soon as this amendment hopefully is adopted that will propose that a study be undertaken and recommendations be brought back to the legislature by January 30, which is about eight or nine months away. Hopefully, before the tax is imposed again, it will be under a revised structure.

The basic problem as I see it is that the ICC rulings have very, very narrowly restricted the so-called incentive per diem funds that were not even in existence at the time the original excise tax structure was imposed some legislatures ago. It was something we thought never would occur; it is something that has completely thrown the tax structure out of whack. I am convinced, as a result of what study I have been able to do and I will admit it is a very confusing area, that if we did not undertake to change this tax structure to take into account the possibility of restricted funds in the future, and I am sure there are going to be restricted funds

in the future, because the railroads of the nation are in very poor shape, we would be ultimately doing a great disservice to the State of Maine and probably great economic harm to the railroads themselves over a period of the next few years.

We have got to revise this tax structure. We have got to make sure that the State of Maine gets its fair share, and I want to do that very much. At the same time we have got to make sure that the tax structure is a realistic one from the point of view of the railroads. So I am going to ask that you accept this amendment today. I wish that I had been more on the ball and the amendment that Representative Susi had offered the other day hadn't come quite so quickly and given me so little time to consider it. I hope you do accept this and then I will present my order out of order.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: This is a good amendment and I hope you will vote for it.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would like to support the amendment, but I would like to make one point that the gentleman from Dover-Foxcroft hasn't mentioned. There is no difference between the one year and the two years, because the railroad is already into this year enough so that it is evident that they will be in the minimum tax level situation which will be the second year of this two-year amendment, so there is no difference between the one year and the two year. I don't believe that the good gentleman from Dover-Foxcroft should have any misgivings about the fact that he isn't able to put the same amendment in because he is getting the same effect. I hope that you will support it.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Here is where we perform the surgery and split up the Bobbsey Twins, because I am opposed to this amendment, ladies and gentlemen, and for the very simple reason that it does exactly what the gentleman from Buxton talks about — it creates the giveaway, even if it is for only one year, and I think you folks have been here long enough now, even though you may only be freshmen, to see the effect of the lobbying. If you think they have had a job to do in the last week, think what they are going to be able to do between now and the special session or next year.

Now, this amendment does absolutely nothing, ladies and gentlemen, but to put the bill right back where it was the day we voted on it a week ago. If you have had any misgivings about it in that length of time, if you have had any feeling that this giveaway to the Maine Central Railroad should not be on the books, then I urge you to defeat this motion, because if you don't defeat it, we are right back where we started from and the railroads will get just exactly what they want.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reestablish some connection with this gentleman. His approach is totally ideological and I admire him for it. I think it is great that he is and I agree with his sentiments completely. However, this is

quite a practical situation we find ourselves in, and from the standpoint of practicality, political practicality, I would much rather have the Santa Claus deal exist for one year than forever. This is why I support the amendment.

The SPEAKER: The pending question before the House is the adoption of House Amendment "D" and the Chair will order a division. Those in favor of adoption of House Amendment "D" will vote yes; those opposed will vote no.

A vote of the House was taken.

100 having voted in the affirmative and 13 in the negative, the motion did prevail.

Mr. Morton of Farmington offered House Amendment "C" and moved for its adoption.

House Amendment "C" (H-166) was read by the Clerk.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House; I am back on my feet again because even with the amendment that the gentleman from Dover-Foxcroft has been successful in putting on the bill, I would like to get some revenue for the State of Maine from the railroads in the railroad year 1974, and if you will adopt House Amendment "C", you will receive the figure that appears on the fact sheet on line 36, column 6, \$643,280 instead of the paltry \$160,820 that you will get under the bill as it now stands.

I feel that this is a minimum that we can ask the state to accept. To give up this revenue in the face of the fiscal situation that the State of Maine finds itself in is just absolute folly and certainly a half a loaf for the people of Maine is better than none at all.

Of course, it is very obvious that this figure comes from a one percent minimum as against the present one quarter of one percent minimum and is exactly one half of what the two percent minimum would bring in that I conjured up in Amendment "B". Of course, you could change this, if you choose to, to bring in almost exactly the same amount as would be brought in if the law were not passed at all; 1.2 percent would bring in around \$772,000, but I attempted to follow the pattern of the past and one percent would certainly be the same level that we had all through the years, 1965 through 1972. It is a halfway proposition but it does bring in \$643,280 spread among all the railroads and it seems to me like a reasonable request and I hope you will support the amendment.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I move for the indefinite postponement of House Amendment "C". I think that the action we have just taken previously in adopting House Amendment "D" we have shown that we recognize that a problem does exist and we are willing to grant the time, and the time limitations that are set forth in House Amendment "D" and, as the good gentleman from Dover said, he will be offering an order for a study of the whole complex situation.

I don't think it is fair to the railroads to keep classifying this as a windfall. I don't think it is fair to the railroads to keep saying that the lobbyists have been down here and have changed a lot of minds. I, for one, can say in the record, as far as the railroads in this state are concerned or the railroads in any state, I have never even received a cup of coffee from those boys, so I don't think they have changed

my mind. I have been in one position on this bill and the main reason I have been in that position is because of the economic benefits to the State of Maine. We can talk about tax loss and cloud the issue, but I don't think that is the issue at all. I think today, if we indefinitely postpone House Amendment "C" and then let the bill go on its way, then adopted the study order that Mr. Smith is going to introduce that we will find a solution to all our problems by the next session.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: As I said before, I am opposed to the whole bill. I will support House Amendment "C" because I can buy the concept that Mr. Morton speaks of in taking half of the loaf.

I have a small industry in the town that I live in that a few years ago employed 130 people; today they employ 7. I am quite sure that they would like a tax incentive credit of some sort or another.

I rode up through Aroostook County a week or two ago, and any of you who have been up through that way recently might have seen acres and acres of fields that once grew potatoes but are now growing bushes, and I am quite sure they could use an incentive of some sort. You could go on with examples like this from one end of the state to the other — dairy farmers, hundreds and hundreds of industries in Maine that certainly could use an incentive, so what do we do? We pick out an industry that only made \$6 million last year and we say, okay, you are struggling, we will give you another half a million. Somehow or other that doesn't set right with me.

I am going to support the amendment because if I can cut that amount of money in half, I certainly will do that. If I could cut it lower than that, that is what I would do, but I guess it just isn't possible.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I stand in support of the amendment on the same basis that half a loaf, if we can salvage anything out of the situation. I think the previous speaker, the gentleman from Buxton, makes a very, very pertinent point. I would like to share with you an experience that I have had.

A member of this legislature was on the Taxation Committee for just one session, and this legislator was a very intelligent person, a very conscientious person and tried to do a good job on that committee. I sat next to this legislator and received this remark many, many times, that he would be so happy when this legislator would be able to get off the Taxation Committee; that every bill that came before the Taxation Committee had a reasonable justification for it, and I think that the gentleman from Buxton brought this situation into context with the situation as it is here in Maine and as it has to be if we are going to finance the state programs that we have. There are so many, many instances where there is so much greater need than there is in this instance that we shouldn't give this bill a second thought. We tax the very water that people drink here in the State of Maine and we are talking about giving a \$615,000 tax break to a firm that just made \$6 million, and it is so ridiculous that it just makes me boil, in case you hadn't noticed.

We have to measure this against the entire tax structure. My soul and body, I

would so love to be able to give some relief to some of these industries that really have problems. They are right against the wall; they are going to go down the drain unless we give them some help and we aren't even considering them. The only thing this bill has going for it is the political wallop of the sponsor. Now, you can believe that or not, that is the truth. I hope you will support the amendment.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we could indefinitely postpone this amendment as we have the others so that we could finally pass this bill and give some relief.

I would like to just bring back to your attention perhaps a little bit that I said the other day. Due to an unprecedented ruling by the Interstate Commerce Commission in 1970, with a subsequent amendment in 1973, combined with the complex railroad excise tax formula, Maine Central Railroad will experience an unfair and harmful tax burden for the year of 1974. The Maine excise tax is based on net railway operating income, which includes, by order of the Interstate Commerce Commission, restricted funds not available to generate corporate purposes. I don't think I have to go further than that. I hope that this amendment is defeated so then we can have the joint order presented and a complete study made of the railroad's tax structure over the next year.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would merely point out, ladies and gentlemen, that passage of my amendment and the failure to adopt the motion of the gentleman from Skowhegan, will not preclude your working on the order that the gentleman from Dover-Foxcroft is planning to present. That order can certainly be presented the same way, and I think you should turn this around and realize that the motion of the gentleman from Dover-Foxcroft on Amendment "D" and the passage of Amendment "D" would mean that this terrible burden Amendment "C" would place on the railroads would only be in effect for one year. You can look at it the other way too, the people are only going to get this chance for one year, just the same as the railroads are only going to be relieved for one year if you don't pass it. Which way are you going to go? Are you going to go with the people or are you going to go with the railroad?

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

Mr. MORTON: Mr. Speaker, I would request a roll call.

The SPEAKER: In order 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 in favor of 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 before the House is on the motion of the gentleman from Skowhegan, Mr. Dam, that House Amendment "C" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Birt,

Boudreau, Bowie, Burns, Byers, Call, Carey, Chonko, Churchill, Cote, Cox, Curran, P.; Curran, R.; Dam, Dudley, Durgin, Finemore, Fraser, Garsoe, Hennessey, Hinds, Hunter, Hutchings, Ingegneri, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Laffin, Lawler, Lewis, Lovell, Lunt, MacLeod, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Miskavage, Najarian, Norris, Palmer, Peakes, Perkins, T.; Peterson, P.; Pierce, Raymond, Rolde, Smith, Snow, Stubbs, Torrey, Truman, Twitchell, Usher.

NAY — Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Blodgett, Bustin, Carpenter, Carroll, Conners, Connolly, Cooney, Davies, DeVane, Doak, Drigotas, Dyer, Farley, Farnham, Faucher, Fenlason, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hewes, Higgins, Hobbins, Hughes, Immonen, Jackson, Kennedy, LaPointe, LeBlanc, Leonard, Lewin, Lynch, MacEachern, Mackel, Mahany, Mills, Mitchell, Morin, Morton, Mulkern, Nadeau, Pelosi, Peterson, T.; Post, Powell, Quinn, Rideout, Saunders, Shute, Silverman, Snowe, Spencer, Sprowl, Strout, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Tyndale, Walker, Webber, Wilfong, Winship, The Speaker.

ABSENT — Carter, Clark, Curtis, Dow, Jacques, Jalbert, Littlefield, Lizotte, Martin, R.; Perkins, S.; Rollins, Wagner.

Yes, 61; No, 77; Absent, 12.

The **SPEAKER**: Sixty-one having voted in the affirmative and seventy-seven in the negative, with twelve being absent, the motion did not prevail.

Thereupon, House Amendment "C" was adopted.

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

Mr. **GOODWIN**: Mr. Speaker, Ladies and Gentlemen of the House: We have been belaboring this bill for quite some time and I am sorry to continue the debate on this, but I am going to move that this bill and all its accompanying papers be indefinitely postponed.

I feel that this is nothing more than a bill to aid dependent railroads, and I think I have to agree with the gentleman from Dover-Foxcroft on his order. The only thing is, it seems a little foolish to pass this bill giving the railroads several hundred thousand dollars and then passing an order to study as to why we did it.

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

Mr. **FINEMORE**: Mr. Speaker, I would like to ask the Clerk if this bill has been indefinitely postponed and has it been reconsidered once?

The **SPEAKER**: The Chair would advise the gentleman from Bridgewater and members of the House that the record on the bill indicates that the bill, at this point, this would be the first time that the bill itself would have been moved indefinite postponement. On all previous occasions, indefinite postponement motions have been on pending amendments.

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

Mr. **NORRIS**: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I want to commend the Bobsey Twins, because you have just seen a beautiful piece of parliamentary work in an attempt to amend the bill to death. This is a method that is used very effectively, particularly

the freshmen, after you have been around for awhile, you will see how you come with amendment after amendment after amendment and then you get one foot up and then you have another member of the team hop up and move the indefinite postponement of the bill.

I believe this is necessary legislation and I hope that you will vote against the indefinite postponement of the bill.

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

Mr. **HUGHES**: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would like to commend the two gentlemen involved from Pittsfield and from Farmington. They have completed the education of a young freshman in this instance. I grew up reading history that in the late 1800's it was the Republican Party who was in favor of the railroads. I learned something from the two gentlemen who are members of that party today; they have done a very real service for us and for the people of Maine.

We are told that this happens to be an item in the income picture of the railroads which is somehow unfair to include their income for taxes and yet we have also learned through the debate that the railroads are spending more dollars for that purpose than are stipulated by the federal funds. To me, the burden has not been performed by the proponents of this bill to show that there is really any unfairness in the way in which that one item of income has been carried through the balance sheet. I think if we vote for this bill, we have a lot of explaining to do when we have just heard from a Governor who wants to increase the tax burden on low income people and on fixed income people and we are out to pass a tax relief measure for the stockholders of the Central Maine Railroad.

I urge passage of this motion to indefinitely postpone.

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

Mr. **NORRIS**: Mr. Speaker, Ladies and Gentlemen of the House: I would apologize to the Chair and to the two gentlemen — I meant in no way to be derogatory to either one of them.

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

Mr. **GOODWIN**: Mr. Speaker, Ladies and Gentlemen of the House: I just want to make it perfectly clear that I did this completely on my own. As a matter of fact, I didn't even consult the good gentlemen from Pittsfield or the good gentleman from Farmington.

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

Mr. **DUDLEY**: Mr. Speaker, Ladies and Gentlemen of the House: We may be missing the main point in this bill. Eventually, the shippers pay the freight and so it ends up to already many depressed industries in Maine having trouble getting their products to market. They end up paying in the long run. If we lose our railroads like the rest of the eastern part of the United States has, New York Central and all these that have been picked on to the extent that they have gone through bankruptcy, and I would like to see Maine have a healthy railroad system. I think if we further pick away at this, I think the amendment nearly does it, now if you indefinitely postpone it, you will really do it. But I would like to see the bill pass, try to keep our railroads healthy

because our shippers need it. We are losing industry in Maine for more than one reason, shipping is one of them. There are many reasons, but the South is really taking our industry away from us, they are doing it in the transportation area, they are doing it in the field of labor and they are doing it in the field of energy, because they don't need as much in warm weather there. They don't have as much cold weather.

Every time we don't pass this bill, we are just making it that much more difficult for those people in Maine who are trying to do business and ship. The railroad I am not concerned about, whether they do or not, but I am concerned for the people who have to ship by them and eventually pay the bills. So I do hope that you will not indefinitely postpone this bill and we will help keep Maine railroads healthy. Let's not get them like they are in the rest of the eastern part of the United States.

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

Mr. **BERRY**: Mr. Speaker, Ladies and Gentlemen of the House: A few minute ago, Mr. Norris mentioned that we might be attempting to amend this to death and I would like to suggest that there is one other way of killing a bill and that is talking it to death. That is probably the route we are taking.

Mr. Dudley mentioned some words to the effect that if we don't do this, it is going to harm industry. Right now, I think we are talking somewhere in the neighborhood of \$300,000. When you spread \$300,000 out over a railroad system like the Maine Central Railroad and what other railroads happen to be involved, you probably aren't buying one spike for each one of their tracks, so how much effect is it going to have on the industry? I just can't buy that because I don't think you are talking that much money.

Another thing that bothers me a little bit is, how much did they pay their stockholders last year? Why don't we get \$300,000 out of them?

Mr. Greenlaw of Stonington has requested a roll call.

The **SPEAKER**: In order for the Chair to order a roll call, it must have the expressed desire of more than one fifth of the members present and voting. All those in favor of 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 before the House is on the motion of the gentleman from South Berwick, Mr. Goodwin, that this bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bennett, Berry, P. P.; Blodgett, Byers, Carpenter, Carroll, Connolly, Cooney, Davies, Doak, Drigotas, Faucher, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hobbins, Hughes, Immonen, Joyce, Kennedy, LaPointe, LeBlanc, Leonard, Lynch, Mackel, Mitchell, Morin, Morton, Mulkern, Nadeau, Peterson, T.; Post, Powell, Quinn, Rideout, Rollins, Saunders, Silverman, Strout, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Walker, Wilfong.

NAY — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Call, Carey, Carter,

Chonko, Churchill, Conners, Cote, Cox, Curran, P.; Curran, R.; Dam, DeVane, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Ingegneri, Jackson, Jacques, Jensen, Kany, Kauffman, Kelleher, Kelley, Laffin, Laverty, Lewin, Lewis, Lovell, Lunt, MacEachern, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Pierce, Raymond, Rolde, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Torrey, Truman, Twitchell, Tyndale, Usher, Webber, Winship, The Speaker.

ABSENT — Clark, Curtis, Dow, Jalbert, Littlefield, Lizotte, Martin, R.; Perkins S.; Wagner.

Yes, 52; No, 89; Absent, 9.

The SPEAKER: Fifty-two having voted in the affirmative and eighty-nine in the negative, with nine being absent, the motion to indefinitely postpone does not prevail.

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

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

Mr. FINEMORE: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action on this bill whereby we voted for indefinite postponement and hope you vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House reconsider its action whereby this Bill was passed to be engrossed. All in favor of reconsideration will say aye; those opposed will say nay.

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

Mr. Smith of Dover-Foxcroft presented the following Joint Order and moved its passage: (H. P. 1518)

ORDERED, the Senate concurring, that there is created a Joint Interim Committee to consist of 3 Senators to be appointed by the President of the Senate and 5 Representatives to be appointed by the Speaker of the House to make a comprehensive study of all provisions of law pertaining to the annual excise tax on railroads as provided by Title 36, section 2624 and to recommend any changes in such tax as the committee deems necessary; and be it further

Ordered, that the Committee shall report the results of its study to the Legislature together with its recommendations and final draft of any proposed legislation by January 30, 1976; and be it further

Ordered, that the members of the Committee shall be compensated in the same manner as members of the Legislative Council for the performance of their duties under this Order, such sums to be paid out of the Legislative Account; and be it further

Ordered, that the Public Utilities Commission, the Department of Transportation and the Bureau of Taxation be directed to provide such technical advice and other needed assistance as the Committee deems necessary or desirable; and be it further

Ordered, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive.

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

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

HOUSE DIVIDED REPORT — Report "A" (7) "Ought Not to Pass" — Report "B" (4) "Ought to Pass" in New Draft under New Title "An Act Regulating the Sale of Handguns" (New Draft "A") (H. P. 1511) (L. D. 1828) — Report "C" (2) "Ought to Pass" in New Draft under New Title "An Act Regulating the Sale of Handguns" (New Draft "B") (H. P. 1512) (L. D. 1829) — Committee on Judiciary on Bill "An Act Regulating Handguns" (H. P. 18) (L. D. 26)

Tabled — April 18, by Mrs. Najarian of Portland.

Pending — Acceptance of Any Report.

On motion of Mr. Rolde of York, retabled pending acceptance of any Report, specially assigned for Thursday, April 24.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-182) — Minority (4) "Ought Not to Pass" — Committee on State Government on Bill "An Act to Increase the Bonded Debt Limitation of the Maine State Housing Authority's Mortgage Purchase Program" (H. P. 584) (L. D. 723)

Tabled — April 21, by Mr. Kelleher of Bangor.

Pending — Motion of Mr. Cooney of Sabattus to Accept Majority "Ought to Pass" as amended Report.

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

Mr. COONEY — Mr. Speaker, Ladies and Gentlemen of the House: I have just a few very brief remarks of explanation on what the exact nature of this bill is and what it would propose to do and I know there are others who have questions and some very specific economic information to offer to you. As you know, the State Housing Authority now has a bonding limit of \$100 million. It sounds like a lot of money and it is. What the limit is for is what is called the Mortgage Purchase Program, and for those of you who were here last session and argued this out, you are probably all too familiar with it. For those of you who were not, very simply what it is is the ability of the Housing Authority to borrow money through bonding at low rates to then purchase mortgages from Maine banks which therefore allows those banks to have more liquid assets that they can then extend into the housing market. And to your constituents and mine, the person who is trying so hard to find mortgage money, this makes mortgage money available. The bonded limit of \$100 million is guaranteed by all of the mortgages that are held on those homes. These are notes that are backed by the faith of the state and they are backed by the mortgages of all the individual homeowners that are purchased by the housing authority. It is an extremely safe financing mechanism that we are using to stimulate housing in the state.

The bill that was presented by the gentlelady from Portland, Mrs. Najarian, was to expand or extend the debt limitation from \$100 million to \$200 million. Frankly, because these notes are so well guaranteed, there is little risk, and I think you will hear this morning from other members of the committee that there is really very little concern on the part of

others as to this extension. However, the committee took a more moderate middle road and felt that the Housing Authority could operate in the near term, the next year, maybe two, with a bonding limit extension of \$50 million, thus raising the total bonding limit to \$150 million for the Housing Authority and the mortgage purchase program.

The bill amended by Committee Amendment "A" extends that limit \$50 million. It will do a great deal to stimulate the housing market and make home mortgages available to your constituents and mine.

I hope this morning you will listen to the specific information that people have to offer and that you will give favorable consideration to acceptance of the majority "ought to pass" report.

Thereupon, the Majority "Ought to pass" Report was accepted. Committee Amendment "A" (H-182) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

House Divided Report — Majority (7) "Ought to Pass" — Minority (5) "Ought Not to Pass" — Committee on Transportation on Resolve, to Reimburse Richard Lufkin of Thorndike for Property Damage Caused by Water Runoff from State Highway (H. P. 804) (L. D. 980)

Tabled — April 21, by Mr. Strout of Corinth.

Pending — Motion of Mr. Fraser of Mexico to Accept Minority "Ought Not to Pass" Report.

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

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: I hate to oppose my good friend from Mexico, Mr. Fraser, but I would like to see you accept the Majority "Ought to Pass" Report. Mr. Lufkin of Thorndike isn't one of my constituents, but I have been up there and I have seen what this has done to his field and pasture, and it really washed it out. It came off 220 in torrential downpour and it cost him quite a lot of money and he is asking for \$1,248 just to recover his cost in repairing his field and pasture. I would hope you would support the majority "ought to pass" report.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I hope this morning that we will support the motion of the gentleman from Mexico, Mr. Fraser, to accept the minority "ought not to pass" report.

At the committee hearing, Mr. Lufkin presented his case, but the information that I have been able to get before me and present to this body is that Mr. Lufkin, who lives on the east side of Route 220, State Aid Highway 2 in Thorndike, his farm is part way up a hill which slopes down toward Half Moon Stream. This highway laid out by the town was designated a state aid highway on February 14, 1917. A culvert location midway of the hill diverting water from left to right has existed as long as the department personnel can recall. The water issuing from the culvert flows along State Aid 2 to Leonard Road, passing through a culvert thereunder and then flowing to the rear of the Lufkin building and what appears to be a natural water course emptying into Half Moon Stream.

The County of Waldo was one of 12 counties which suffered extensive damage

during the 1973-74 winter months. Areas in Thorndike alone suffered the second highest runoff in more than ten years and the highway damage alone in Thorndike exceeded the estimate of \$19,000; in nearby Montville, in excess of \$56,000. My feeling that here is that I would say that whether this damage because of an act of God can be attributed to highway drainage raises very strong doubt.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker, Ladies and Gentlemen of the House: Last October, both the Chairman of the other body and the Chairman of this body on Transportation was at the home of Mr. Lufkin, and I was called over also just in case I was elected and here I am. It is my understanding that we all thought that Mr. Lufkin was supposed to or should be reimbursed for the water runoff across his land. I am sure that the cows will still be milked and the hay will still be put in the barn and the waste material will still be hauled off if this bill passes or not. But I think this body should reimburse Mr. Lufkin for his cost of repairs to his land. I would hope that the Highway Department present motion to accept the minority report on this bill.

The gentleman from Corinth, Mr. Strout, mentioned that there was a natural water runoff across the property, although in my information that I found on it, there wasn't anything in the deed that required there to be a natural runoff across the property. I would hope that the Highway Department wouldn't decide that my home would be a natural runoff for the water from the highway; they may run it right through my cellar. Again I would hope you would vote no on the present motion to accept the minority report and accept the majority report.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: There is no one in this room more chicken-hearted than I am when it comes to paying peoples damages. I would like very much to see this gentleman have his damages paid, but it was caused by a storm and not by the Highway Department. I went away one time a few years ago, and when I came back a windstorm had damaged my roof. I had to pay for it and damage done by an act of God is something that has to be accepted.

The SPEAKER: The pending question is on the motion of the gentleman from Mexico, Mr. Fraser, that the House accept the Minority "Ought not to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 51 having voted in the negative, the motion did not prevail.

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

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

House Divided Report — Report "A" (6) "Ought to Pass" in New Draft under Same Title (H. P. 1520) (L. D. 1833) — Report "B" (6) "Ought to Pass" in New Draft under New Title "An Act to Increase the Minimum Wage to \$2.30 an Hour" (H. P. 1521) (L. D. 1834) — Committee on Labor on Bill "An Act to Increase the Minimum Wage to \$2.50 an Hour" (H. P. 148) (L. D. 173)

Tabled — April 21, by Mr. Rolde of York.
Pending — Motion of Mr. Tierney of Durham to Accept Report "A".

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in support of the motion of the gentleman from Durham, Mr. Tierney.

As you probably know, I am the sponsor of this minimum wage legislation, a piece of legislation that was reported out of the Labor Committee as "Ought to Pass." This legislature, through this bill, will be fighting for a meager subsistence wage for a large portion of Maine's work force. It will give them, if passed, \$2.30 per hour, emergency, May 5; and \$2.50 per Hour, January 1, 1976. That means on May 5 people who earn the minimum wage in this state can expect to gross \$92 for a 40-hour week and by January 1, 1976, \$100 a week. Please let me remind you that we are bargaining for subsistence wage for a large portion of Maine's working people.

We will hear today people complain about how, if passed, this bill will give us one of the highest minimum wages in the country. I wish they would show as much concern for the average manufacturing wage in this state, a wage that is ranked 45th nationally — \$92 a week or \$4,784 for a 52-week year. It is not cheap to live in Maine. According to the latest U.S. Statistical Abstract it costs for an intermediate budget for a family of four living in Portland, Maine, \$11,184. The national average is \$11,446, \$38 below Portland's. Yet the national average manufacturing wage is \$4.64 per hour. Maine's average manufacturing wage is \$3.23 per hour.

The consumer price index rose 47.4 percent in New England between 1967 and 1974, the largest increase of any region in the country. The minimum wage in 1973 was \$1.90 per hour. If we raise the minimum wage to \$2.50 per hour this very day, we would just meet inflation rates between 1973 and now.

Men and woman of the House, when we are talking about Maine's workers we are talking about some of the finest workers in the country, people that the United States Department of Labor has said are among the most highly trainable and adaptable in the United States.

We will further be told today, I am sure, that in these poor economic times to raise the minimum wage would be another step in feeding the fuel of the inflation inferno. I submit to you that when Maine's workers are on the bottom of the nation's average wages and when these same workers are among the nation's leaders in production, Maine working people do not contribute one shilling to this nation's problems with inflation.

I would like to read to you a portion of a letter that was sent to me regarding minimum wage. I will not mention the name of the author, but I will be glad to let anyone verify its authenticity later in today's session: Minimum wage by definition is that paid to the least competent and least productive worker. In most cases, these people have the least initiative and the least desire to improve their situation and at the same time they are eligible for the most benefits from every welfare program and unemployment program going today. By constantly increasing these benefits, we are driving down the incentive to work. When the law requires us to pay a

minimum wage which may be more than is economically feasible for a job, how are we able to reward a good worker over an incompetent worker on the same job? It is time we gave consideration for the man who still has pride in his work and has some consideration for his employer? Is that how this legislature intends to view the working people of this state? I would certainly hope not.

I do not subscribe to the economic theory that money must start at the top and dribble down to the working masses. If people in the low income brackets have half a chance to earn a decent income, they will spend their earnings and stimulate business. I come from a rural farm area. In recent days I have told you about the Perry boys, but there are also some Eastmen boys and Andrews boys and McGinnis boys, farm boys that I grew up with. Well, they are no longer farmers because they couldn't afford the modern farm equipment that is used in farming now-a-days, so they moved into the minimum wage arenas. They did not, however, leave their farm work habits behind; they couldn't. When it comes to work, working hard is all they know. When it comes to getting paid, minimum wage is all they know.

Men and women of the House, what we are discussing today goes far beyond the numerical figures of the minimum wage. What we are discussing today is hope, hope for the people who are at the bottom of our wage scale, hope for the children who need proper food for good mind and body development and proper medical and dental care, hope for the children who must watch both parents work five and six days a week, 51 or 52 weeks a year and who then must wonder why they are not rested enough on their days off to play with them, hope for the children who won't have much chance or rising out of the minimum wage class themselves. I am reminded of a letter that Thomas Jefferson wrote to a gentleman by the name of Waitman on June 24, 1826 and a portion of that letter that dealt with hope, the last great hope of this world, this country, and I quote: "All eyes are open or opening to the rights of man. The general spread of the light of science has already laid open to every view the palatable truth. The mass of mankind has not been born with saddles on their backs nor favorite few bootied and spurred ready to ride them legitimately by the Grace of God." Let's continue to keep the saddles from the backs of men and reaffirm our faith in the basic ideal that this country was founded on. Today let's vote for a fair chance in life and for the advancement of hope.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to warn those members who favor a \$2.30 minimum wage that if they vote against the pending motion and subsequently vote for Report B, they will probably find themselves listed as having voted against the minimum wage increase altogether when the AFL-CIO sends out its political mailing next election. In spite of that, however, I intend to support the \$2.30 minimum wage, because I feel that it strikes a balance between the needs of our working people and the ability of many of our small Maine businesses to survive in these times of economic distress.

What good will it be to Maine's working people if our action today forces some

small industries to go out of business entirely?

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I rise in the hope that you will not accept Report A. I would like to call your attention to a few things which I think make it legislation which is less in the interest of the low paid people of the state and not more in their interest.

In the first place, it carries an emergency preamble. This means that many summer businesses, which have already, if you will, arranged for their tuition, set their charges, will be in a difficult position. They will have to pay higher wages.

I would also note that only three states have higher minimum wages than Maine. We are at the end of the line. We wish to attract industry, and while we would like to have industry which will pay more than the minimum wage, the mere fact that we have this kind of legislation, which most other states do not have, does not indicate the kind of business climate we would like to have which, in the opinion of many, would do far more to raise the standards, the wage standards in the state.

Finally, I am concerned and I believe I share the concern of the gentleman from Kennebunk, Mr. McMahon, that if we increase the minimum wage some will benefit from it, but an equal number may be unemployed or become unemployed. In these times of uncertainty and high unemployment, I don't think I want to take the chance of raising the minimum wage to a level higher than that of the federal, higher than that of most of the states in the Union and take a chance of depriving some people of jobs they need.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair if I may to Mr. McMahon. The argument that he has presented here today is the same that I heard in 1969 when I first came to this legislature, about the number of businesses that would be driven out and I would just like to know how many businesses is he talking about and did any of them really fail and leave the state when we had the last minimum wage increases? What are you talking about in numbers?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to the gentleman from Kennebunk, Mr. McMahon, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. McMAHON: Mr. Speaker, I think the gentleman from Bangor, knows full well that I am not prepared to give him numbers. I am reflecting the opinions of quite a few small business owners in my area who have contacted me. I would also remind the good gentleman that during the 106th Legislature, I suspect he and I were on the same side when it came to most labor issues. I think the economic situation that we find ourselves in at the moment dictates more prudence on our part and on the part of the majority party at this time.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of Report A, L.D. 1833. It is a redraft of the original L.D. 173. This change was made to facilitate the issuance of a caucus desire of our colleagues from across the aisle. The new draft calls for a

minimum wage increase that was scheduled for January 1, 1976 to \$2.30 an hour to be moved up to the first part of May and the added increase of \$2.50 on January 1, 1976.

The question asked, are we ready for this action? A, response is evident. The action is long overdue. Our state is not only plagued with unemployment but also suffering from a serious case of underemployment that is producing a most serious problem. The facts are absolute. Let's look at the records.

Our civilian labor force in Maine, approximately 430,000 workers. The unemployment figures show that the current unemployment is 10.6 percent, amounting to 45,600 people. Disguised unemployment, unemployment individuals who have ceased looking for work, knowing how impossible it is to get it, runs one percent, or a 4,300 number of people. The total of unemployment figures show 11.6 percent in 49,900 people.

The underemployment figures are worth noting. The involuntary part-time workers amount to 3.7 percent, or 15,900 people. The full-time workers with incomes less than \$5,000 a year amount to 15 percent or 64,500 workers. The total underemployment figures are 18.7 percent and 80,400 people. The grand total of unemployed and underemployed people in the State of Maine here today has reached a 30.3 percent, or 129,300 people.

Now, statistics are far from exciting but for excitement, let's analyze them. How does it strike you, Mr. Speaker and ladies and gentlemen of this House, to understand that over 30 percent of our state total labor force is eeking out an existence on wages far below the 1973 poverty base of \$5,600 a year for a family of four? Would it be encouraging to realize that passage of this bill will not completely solve this situation, it will only help to bring them within \$400 of the poverty line.

Hopefully, all of us in this House today will face the reality of this problem and make it our number one priority as it is throughout these United States. We will make it a priority that we shall be eager and willing to move in a most positive direction to ease the situation for the unfortunate, unemployed, and under-employed in our State of Maine and that you shall see fit to offer the leadership your constituents expect, and don't forget many of the people earning below the poverty line are your constituents. Think of the 129,000 members of the work force in this state with incomes of less than \$5,000 a year. Now, you would think of the nearly one third of our State of Maine's labor force that has serious employment problems. What kind of leadership would give anything less than a number one priority to tackle such a tremendous task? You, the legislators, are the last straw for these people. There are no other avenues left for them. I urge all of you to give your utmost consideration and support 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 am for minimum wages but I think it should be done on a national level and when it isn't done on a national level, in the area from which I come, we suffer, we have more unemployment. They have less people employed and these are the people I would like to try and help. I would like to have more employment and more of these

people working and they would like to have a job.

In answer to the gentleman's question from Bangor, Mr. Kelleher, I can't give him statistics, but I remember telling this House, when we raised it the last time, that I knew for sure five marginal industries in my area that I represented at that time would be out of business, and turned out to be ten. One of them was a very large cedar producing outfit where it made cedar fencing and cedar stakes, but this put them in a position where they couldn't compete with their competitors delivering this same merchandise in New York, Connecticut and where it had to be delivered, so they are no longer in business.

If this is the case, I don't think this is good legislation. I want more jobs, more people working. Another thing, when you raise the services, I am in the garage business, I pay more than that and I think most garages do, I understand from the Speaker that in his area they may get some from across the border cheaper. But let me tell you, if it involves services, it don't bother the service man because he raises whatever he's doing accordingly, so where this hurts is the people who are unemployed. In other words, if the barber has to go up or anybody who does these services, they have to add it on so the man that is unemployed with no checks at all is the one that really gets hurt. He is really the one I want to help.

I am for minimum wages and I hope we can have some, but on a national level so that all states will participate and we can't lose industry to other states, even if it is marginal. Some of these people that I represent would rather have a job where they can earn an honest living than be on welfare. This tends to work the opposite way in my area and as well as I would like to see more people get more money, I still think the right way to do it is on a national level, not for the little State of Maine to try to wag its tail and lead the national government. We end up with more people unemployed and the services costing more for those people who have to buy the services that have no pay at all.

I want more people working and more jobs and less welfare, and this is a poor way to get it.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of Committee Report A. 1; for one, don't want to wait on Washington any more, I have seen enough of that mess down there.

I submit that the present minimum wage is not a living wage. The people who are working at the present minimum wage, they have two places to go. In order to live, they are to pick up their pay checks at the factory and then they have to go down to City Hall to pick up another welfare check. I know, I have seen them pouring into City Hall every Thursday down there, which is welfare day.

Raise the minimum wage, less welfare money will be spent, cut down on the state's cost to welfare, the city's cost to welfare, and we will all be better off, plus, it will give the workers a sense of dignity.

Unfortunately, there is some opposition from some marginal industries. However, I question whether or not these marginal industries would stay in business very long anyway and also a very small minority, and we all know of some, of employees who have what we call a Scrooge mentality. I would like to give you an example. A very

good friend of mine retired after 40 years of work in the shoe factory and I saw him the day after he retired and he had a check for \$40. I asked him and he said they paid him one dollar for every year that he worked there; this was his bonus when he retired — one dollar. Now, I submit that that is a classic example of an employer who has a Scrooge mentality. That is the type of employer who will always pay the minimum wage, whether it is 25 cents or 50 cents or 10 cents. Therefore, I think it is mandatory that we raise the minimum wage so that these people can have a little sense of dignity and live with themselves and we can live with ourselves.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: When I was younger, I used to get my spring tonic of sulphur and molasses. The last two years I have really refreshed myself and rid myself of all the ill humors of a long winter by railing to this body against the minimum wage increases that have taken place since I have been here.

Who could argue with the proposals that have just been put forth here as to the effect on human beings of their income? But I would ask this body to examine what effect has been brought about in this situation by the actions taken on the floor of this House over the past three or four years with regard to minimum wage? I would like to point out to you and I think before I do I would mention that the gentleman from Stow, Mr. Wilfong, and the gentleman from Portland, my good friend Mr. Flanagan, have really made my argument for me, because they have shown you the present economic situation of the workers in this state. This, in spite of the fact that in October of 1971 we moved ahead of the federal minimum wage by 20 cents an hour and next year it went 30 cents an hour, and I submit that we should start asking ourselves what the effect of this has been if we still find ourselves 41st in per capita income? I would only argue, human consideration completely aside — is this a proper vehicle to bring about the prosperity of the State of Maine? I submit it isn't. I submit it is almost a game of political one-upmanship, to run to the front to see who can slap in the biggest increase and I submit that in talking in terms of 30, 40, and 50 cents an hour is selling the people short. If this will work, let's go to \$4 an hour and really wipe out poverty. I know that doesn't make any sense but I don't think this makes any sense either.

In order to be able to express myself on the board, I move for the indefinite postponement of this bill, its reports, and all accompanying papers.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion, although I reluctantly support the Committee Report A. Being sponsor of the bill to raise the minimum wage to \$3 an hour, I am really disappointed with the three reports that the committee came out with, but I would like to see \$2.50 passed if we can't get anything higher than that.

I would like to deal briefly with some of the arguments that have been posed by opponents of raising the minimum wage and I think some of those same people would, if they had their way, like to keep the minimum wage where it is and not

even raise it to \$2.30 an hour. Be that as it may, I would like to point out a few things.

In the Democratic Platform that was adopted last year, it called for a minimum wage of \$2.75. I think that all of you who believe that that platform means anything would then follow and vote against the motion to indefinitely postpone and vote to raise the minimum wage to \$2.50.

The gentleman from Kennebunk, Mr. McMahon, would have us believe that prudence and the fact that \$2.30 an hour would meet the needs of the people, is reason enough for killing legislation to raise the minimum wage to \$2.50 an hour, but I would just like to point out that I don't think any of us here, were we to have the choice, would be willing to work for \$92 a week or a \$100 a week January of next year. I would like to pose that question again to the Representative from Cumberland, Mr. Garsoe. I posed that question last year in the debate on this bill and he didn't respond to it publicly.

I would also like to point out the fact that a lot of us in the legislature feel that we are under paid, but we take home a paycheck, a takehome paycheck, more than people who would receive the minimum wage as proposed by \$2.30 and then \$2.50 an hour would gross. We would take home more than people who would be receiving the minimum wage would gross.

The argument has been made, it was made at the hearing and it has been made by small businesses and it has been made on the floor of the House that by raising the minimum wage in any significant degree would force small businesses out of business. In reviewing and preparing testimony that I gave at the hearing on the \$3 minimum wage, I came across several studies that have been done by Congress, by both Republican and the Democratic Parties and those studies all show that there has been no significant impact on businesses by raising the minimum wage, but I would submit that what Representative Dudley told us this morning that 10 businesses had been forced to close down and if what other people purport that large number of businesses close down, that this legislature this morning has shown its willingness to subsidize business, to provide exemptions for business, so if businesses are going to be forced to close down because of an increase in the minimum wage, why don't one of the representatives here, who feel that business should not be forced out, introduce a bill to provide an exemption or a subsidy.

One other point I would like to make in closing, is the strategy of the Republican Party in regard to the issue of the minimum wage. The way that it has been explained to me is that \$2.50, Mr. Wilfong's bill, will probably pass in this body, but that the Republican Party in caucus has voted to accept no more than \$2.30 an hour and they will stick to that position in the Senate, and those of us who would like to see the minimum wage raised to \$2.50 or higher will be forced either to accept \$2.30 or no minimum wage at all. That is the strategy of the Republican Party that Mr. McMahon would say is prudent and meets the needs of the people of Maine.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, in response to the question of my good friend, the gentleman from Portland, if he is offering me a job at the minimum wage, I

will accept it. I wouldn't have last year but things have changed.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I had a three-page speech ready here this morning on the minimum wage, but after sitting here and listening, I can make a speech up without even reading it.

First of all, the Republican Party has been accused by my good friend from Portland of something I don't know anything about. I am a Republican and I do not agree with his statement, but I think the most important thing that we are faced with here this morning is the minimum wage, the minimum wage of the people who work for a living. This morning I accused the Democrats of stealing my platform. If they had \$2.75 in their platform, they must have gotten it from me because I had \$2.75 in my own platform back home in Westbrook. So if they want to talk who is stealing what from somebody this morning, I accuse them of that.

It is not the minimum wage that is going to hurt the small business man, it is laws made by this legislature, such as controlling liquor, bottle control and those things, that is what hurts the small businesses, not the minimum wage. The working people of this state are entitled to a decent wage and for anyone to say that they are not, they are not fooling anybody but themselves.

Maybe, I had better go back to my speech, at least it was quiet. Mrs. Tarr told me, she said don't get up and holler at me or I will cry, so I am not going to.

I think this is a very serious problem, and if they say Maine will be the highest in the nation, I say it is a great thing. I think it is wonderful. The minimum wage that exists in some of the southern states that I have seen, where women working 10 and 11 hours a day for a minimum wage, had not the federal government instituted that minimum wage, they would probably be working for a \$1.50 an hour. I don't usually support the federal government telling local people what to do, but in this case they were for the State of South Carolina.

The first act of the minimum wage that started in this country was in 1938 for 25 cents an hour so that the people of this land, the working people, would be guaranteed a fair income. Seven years later, they did raise it to 40 cents an hour. The minimum wage is a very part of our lives today. It guarantees equal rights for women; it guarantees equal rights for all working people.

It is hard to conceive that any person in this legislature would not want to have a minimum wage raised from what we presently have it to \$2.50 an hour, and when people say that they are opposed to the \$2.50 an hour, I certainly was opposed to it too. I wanted \$2.75 and I couldn't get it, but I certainly will not settle for anything else and I don't care what they say back home. It has been brought up here this morning, if you don't vote for a certain thing, they say the papers will say you voted against the minimum wage. Well, newspapers say things about me that is not true anyway, so that doesn't bother me. I do feel that the most important thing to be considered here today is to give the working people — raise that minimum wage and keep it going up and I agree wholeheartedly with my good friend from Cumberland that if it was \$4 an hour, I would certainly vote for it.

The unemployment line is a big thing in this state and unemployment figures, statistics of which I don't go too much for, but they are facts, that people can make more money in the unemployment line than they can working for a good days pay 8 hours a day, 40 hours a week. By the time the taxes are taken out, they are better off to take their \$68 a week, and this is encouraging unemployment.

I have a lot of things in my 3-page speech that I want to bring up, but I am sure I will be better thought of if I didn't keep you here until three o'clock talking about this, but I do seriously, very seriously, urge you to support the \$2.50 an hour.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the gentleman from Cumberland, Mr. Garsoe, to indefinitely postpone this bill. I had also planned to rise to support Report A from the Labor Committee. Like you, I receive a lot of communications on this subject of minimum wage and I have heard many arguments pro and con. Being of a historical turn of mind I began to wonder what people had said about this type of legislation in the past, so I had some research done on the debates in the House on this subject in the past and I have some excerpts to read to you.

The first occurred in 1955 when a minimum wage bill was introduced for the first time in the Maine Legislature. One objector in speaking of this said, and I quote, "This bill places restrictions upon every business man and woman in our state. It places a restriction upon the students of our state and it places restrictions upon the mother and the grandmother in the homes of our state because this bill forbids the mother and the grandmother from knitting a pair of socks in their home and selling them to their neighbor or to their son-in-law to be worn around the farm and in the forest, because in knitting these socks at 75 cents an hour the price of those socks would be more than double what you could buy those socks for in the market." That argument apparently had some weight because the bill was defeated in 1955.

In 1957, the bill was again introduced, finally successful, and here is what one gentleman said, "Here in the State of Maine we are a vacation state and yet if we pass legislation like this it would do nothing but hurt our hotels and restaurants and other phases of our economy." That was in 1957. Another gentleman in 1957 said, "Labor is in the nature of a commodity and is only worth what it can produce. To assume that every laborer, no matter how unskilled, lazy, or inefficient he may be is worth 75 cents an hour is to think very superficially about the economic value of such labor." Another gentleman, also in 1957 said, "For instance New Hampshire has a minimum wage law but their minimum is 60 cents. "Why do we have to have 75 cents in Maine to start with? We should creep before we walk." Perhaps these ancient arguments set this matter in perspective, perhaps not in some minds, but everything is relative and where our predecessors were aghast at the idea of 75 cents an hour, we find ourselves arguing today over \$2.50 an hour or \$2.30 an hour and obviously the question now, at it was then, is the justice of the matter in the needs of our working people.

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

Mr. TALBOT: Mr. Speaker, Ladies and

Gentlemen of the House: I sincerely hope you go against the motion of indefinite postponement. For many, many years I worked under the so-called auspices of the minimum wage and it is pure H-e-l-l.

Mr. Speaker, Ladies and Gentlemen of the House, I have four daughters who don't eat that much and we spend close to \$70 and \$75 a week for groceries — that is just groceries. I think my wife does a very excellent job at shopping. We don't eat steak every day, we don't eat beans every day, but she goes to every sale that she can get to. I think she does a reasonable job and she spends more than what people are making today on the minimum wage.

Minimum wage isn't a dirty word; it is not a dirty word. I think we can all be proud of a minimum wage if it is going to be just. I think this one is just. I think this one is needed. This bill that we have in front of us now is probably one of the few bills dealing with money that goes directly to the people involved. It doesn't get shaved off at the top and it doesn't get shaved off at the bottom, it goes directly to the people involved. Those people are the working people of this state.

Without the minimum wage and with the minimum wage they are on now, let's just take a family and find out what happens to them. First of all, they must let their insurances lapse because there is no way that they can afford to keep them. Their hospitalization lapses because there is no way to keep them. You will find that it deteriorates the entire family because they can not keep up with the rising costs of today; it is impossible, they can't pay their bills. Their bills must go. If I were making the minimum wage, I wouldn't be standing in front of you today because I couldn't do it it is impossible. Like, the gentleman from Portland, Mr. Connolly said, he takes home more in expenses than the people working a 40-hour week do making minimum wage — now think about that. Here we sit in our nice comfortable chairs and nice comfortable seats able to do something directly to benefit the people of this state. I don't see how we can argue that point and say to ourselves it is not fair, we can't do that. Businesses aren't going to close up; they are not going to shut down. They are not going to shut down and go out of business. I think it is incumbent upon us as a legislature to at least give the people of the state, the working people of this state, the benefit of being able to survive and that is all they are able to do is be able to survive, because on \$92 a week they are still only making \$4,000, or a little over \$4,000 a year. That is incredible when you think about it; it is incredible when you think of the working people of this state bear the brunt of the inflationary prices of today, they bear the brunt. They do the work, and they pay the taxes. Working people pay more taxes than any other majority in this country and we sit and we sit in judgment of whether we are going to give them an extra raise insofar as them being able to survive. I don't think it is something we ought to think about, I think it is something we ought to do.

I can remember when I was making the minimum wage and I worked on many a job for many years working for just a minimum wage, and every time that year went by or every time the legislature had a chance to vote on the minimum wage, we used to sit and cringe at what would happen, because we would get another nickel. It wasn't more than a nickel, when every minimum wage ever came up it

wasn't more than a nickel or a dime at the most, and that doesn't really do to much.

I sincerely hope that we vote against the indefinite postponement of this bill so that we can pass this bill so it can directly benefit the people that are able to put us here, the people that are depending on us and the people that work in this state.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the minimum wage is a dirty word. I think our working people deserve a fair wage, but when you look at the economy today, when you look at the unemployment figures that I think were 12.1 per cent, 52,000 people in the State of Maine that are unemployed, when you look at the small businesses that have struggled through the winter, and I mean struggled, I have talked to the small businesses throughout my area and I know we are not unique in this and I know that they have struggled. They have struggled to keep their doors open. There is not that much business around. They are taking money from savings accounts to pay their bills. I have heard people tell me businesses in my own area that for the first time they are having difficulty trying to keep their bills paid.

I certainly don't think the minimum wage is a dirty word, and I just would like to see you indefinitely postpone the Committee Report A, because the Committee Report B would raise the minimum wage and go to \$2.30 in the fall. This would give our businesses a chance to get on their feet, to have a good summer, some of them are just now beginning to pick up orders for the summer. I ask you please to indefinitely postpone Committee Report A. I just don't think businesses are going to be able to handle it and I am very sincere in this. I have worked all my life. I don't want people working for no wages at all, but you have got to realize that somebody is going to pay those wages and if your business is not good enough and can't withstand it, you just aren't going to hire anybody. If you hire somebody at \$2.50 for a minimum wage, what about the guy that has been working there for four or five months at \$2.50? Now he is going to want to get a raise. I can see problems with it and believe me, I am not against the working people, I have worked, I know many and many of you have, but I still think that \$2.50 the small businesses can't stand. I really and truly believe that or I wouldn't be standing here today. I want to thank Mr. Laffin for not yelling at me but I just might cry anyway.

I would like to, on the report that I got from the Department of Transportation that if the minimum wage goes to \$2.50, there will be no effect of this at \$2.30, but the minimum wage at \$2.50 an hour, this is on the general highway fund, it would have an impact on the amount to increase the cost to the general highway fund in the amount of \$77,000 in the fiscal year of 1975-76 and \$75,516 in the fiscal year of 1976-77, and there is a little line down here that says funds for this purpose have not been included in the Governor's Budget. This is going to have quite an impact; it can't help but have an impact. I ask you to support the motion for indefinite postponement of Committee Report A and accept Committee Report B.

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

Mr. PALMER: Mr. Speaker, Ladies and

Gentlemen of the House: I know the hour is late and I will be very brief. I do feel as though I should stand and say just a word or two regarding the statements made by the gentleman from Portland, Mr. Connolly. I think that I have been in attendance at all of the Republican caucuses we have had this year and at no time, truthfully, have I known of any arrangements signed in blood that have been made in the Republican Party such as he referred to this morning. As a matter of fact, I think the opposite may very well be true, because after you listen to the inspirational speeches of the gentleman from Westbrook, Mr. Tuffy Laffin, and the second-hand dealer from Hallowell, Mr. Stubbs, I think you have some idea that there is a little difference of opinion, in the Republican Party as to just exactly what the minimum wage should be.

I think that the point we are missing here this morning is that actually, regardless of whether you vote for one bill, one report or the other, you are voting for an increase in the minimum wage. We seem to be starting off with \$2.30 here. The minimum wage today is \$2.10 and each of these reports, in one way or another, advances that date upward in the year 1975. I would say, that I feel that it is our responsibility in this country and I think perhaps this is the least we can do, to move it up, advance it, especially in these times of economic uncertainty.

Certainly, I do not agree that \$2.50 is the right hourly wage for a minimum. I don't believe that we in the State of Maine or any other state can take this lead. It seems to me that to follow the federal guidelines and even if we go to \$2.30 earlier, we will be advancing ourselves beyond the federals. I believe the better part of judgment would be for us as a state to follow the federal, but at this time of economic uncertainty to give a little bit of a break to those who really do need it.

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

MR. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The arguments that we have heard here this morning against the increase in the minimum wage to \$2.50, as I have said before, I have heard over the last six or seven years on any additional rate increase for the minimum wage.

I might like to tell you a little story that happened to me in Bangor a few weeks ago when I had the opportunity to go to a meeting of the Chamber of Commerce, which is made up of a broad spectrum of individuals in my community and at that meeting there wasn't one individual, excuse me; there was just one individual who spoke for the minimum wage increase and his arguments were this, he said that he believed that the more money that we put into the workingman's pocket would be returned to him in a business that he runs on Main Street. His arguments also were that businesses own workers are its own best customers and that is very true.

The \$2.50 minimum wage that is being asked here by the majority of the Committee on Labor to take effect in January is not unreasonable. In fact, in my opinion, I would have like to had them come back with a \$2.75 minimum wage.

I had a retailer in Bangor call me the other day and he was put out to no end because he had heard from his good Republican friends, after the statement that was released by Mr. Palmer and by Mr. Sewall and by Mr. Speers, on bringing the \$2.30 minimum wage from January

back until May. His fine friends in Bangor said it wasn't the Republicans that wanted to do it, it was the Democratic Party and he said; "Ed, I can't understand how you can even think about it, going to \$2.30, can you imagine it?" \$2.30, and I was trying to answer this fine gentleman and he was going like a machine gun, you know, you just mention the fact that you were even considering an increase in the minimum wage and he wouldn't let you get — I had to wait until he came up for air before I could give him my reasons. And I said to him, how can you charge me \$200 for a suit or a \$175 for a topcoat, what right have you got to charge me that? Then you stay on the telephone and you are telling me that I shouldn't be considering an increase in the minimum wage. Perhaps the United States Congress would be better off if a lot more of us were sitting down there or people like us across this nation to help the workers of this country. Can you imagine a small amount of money, \$2.30 for a minimum wage for the people of Maine? Nothing wrong with that. You know there are some people in this House and even in the national Congress for a minimum wage, and the lower the minimum the better it suits them.

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

MR. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: To be brief, I just want to respond to my good friend from Bangor, Mr. Kelleher. He listed the names who were on the press release put out by the members of the Republican leadership and mine was not on there, but I certainly concurred in their position and I intend to vote against the indefinite postponement today; however, only so that I can offer the amendment which we proposed in our press release to increase as an emergency the minimum wage to \$2.30 but not to go to \$2.50 in January. We believe that we should wait and come back in January and see what the economic picture is. I don't want to debate that amendment today, however.

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

MR. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I am a freshman in this body and I usually stay in my seat and listen to what my elders and more experienced people have to say on issues, but I think today I can add a little bit to help us make a decision on this matter. A lot of the bills that come before us are very confusing. I think perhaps the one on the excise tax for railroads emphasized that to me more than any other. So it is nice to see a bill that comes along that is clear cut. It is in dollars and cents. We don't have to look around for hidden figures or hidden intent. I think it is very clear.

I would like to talk a little bit about the impact on human beings of the minimum wage. The minimum wage is at \$2.10 an hour, \$84 a week gross, take home, approximately \$68 a week and that is not an awful lot of money. The average family in the State of Maine is comprised of 3.57 people. I turn to some figures that have been prepared by the Maine Department of Manpower Affairs. It talks about annual budgets for a family of four in Portland, Maine. I cut these figures down a little bit to provide for the 3.57 family size and I was astounded by the numbers that I saw before me. For a person who is under the minimum wage, he is making about \$360 a month. The outlay in expenses in this sheet would be well in excess of that, close to

\$690, so I cut some figures out of it, cut out things like medical insurance, things like insurance on your car, things that most of us would consider necessary but in the eyes of a person who doesn't have very much money, his cutting would be much more severe than ours would be. For a family of 3½ I figure \$120 a month for food, \$100 a month for housing, \$30 for transportation going from the store to work, etc.; \$25.00 a month for clothing, \$30 a month for medical care, health insurance, things like that, \$25 for incidental family expenditures, \$40 a month for Social Security and disability payments, and \$40 a month for personal income taxes and it works out to \$410 a month for a person who is making \$361.20 a month gross. That is \$48 a month that that person is spending but he doesn't have and where does that come from?

I think the point that Mr. Stubbs made earlier makes it eminently clear. He goes on welfare. How many people in this state are working people but also welfare recipients? We frequently have a dichotomy pointed out to us, the conflict between the working man and the welfare recipient. In this case, there are probably several thousand people who are both, who work 40 hours a week and yet find it totally impossible to pay their absolutely minimal expenses without turning to the town or the county or the state or the federal government for some form of assistance.

I worked for a year in your county as the Assistant Director of Surplus Food Program down there and I saw a lot of these people who were ashamed to come up to our bus to pick up their surplus foods and the reason why were because they were proud that they were working men but they had been forced into a situation where they had absolutely no choice whatsoever. That bothered me a lot.

I want to look at another point too, a decent living wage should be the reasonable expectation that each person has of each and every business and industry that employs people in the State of Maine. When a business does not pay a living wage, it is putting a share of its cost of operations off on the taxpayers, you and me. He gets a worker, pays a portion of his necessary expenses and lets the state pick up the rest of the tab. That bothers me greatly. These people don't want to be on welfare but their employers, by not paying them more than the minimum wage has forced them into that situation.

Now, if we are going to go passing out benefits to railroads, maybe, we should pass out a few benefits to the working people who keep those railroads operating and keep the other industries in the state operating.

I think the request in Committee Report A, for a \$2.50 minimum wage, is less than minimum of what they really deserve but I think it is a reasonable compromise. I, too, would like to see it go to \$2.75 or \$3 an hour, but I think that \$2.50 is a good step to begin to go in that direction. That will bring us close to a persons basic expenses. I think that is reasonable for us to grant them.

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

MR. INGEGNERI: Mr. Speaker and Members of the House: A thought just came to me. I happen to have here the tax reduction bill of 1975 for the federal government. One of the prime purposes of this bill was to pump money back to the great mass of consumers, because when the money got to the consumers, then it

would get back to business and the recession would be ended or considerably lessened.

You talk about where is the rebate, where the tax credit should go, and they have picked the poverty level. Now just listen to this. A family of four, the poverty level is \$5,460 a year. On top of that, you must understand that there has to be a 5.85 social security deduction. Here is a person with a family of four who has to provide for his old age by reducing his poverty level income by an addition \$400, so when he is 65 years old he may have something. Is there any wonder that the federal government has to consider some method to immediately get money back to people like that? These are the people who would be assisted by a very modest minimum wage of \$2.50 per hour.

I have also heard some of the bleeding around Bangor, and I have heard of extreme cases where you take a teenager in and now that teenager would be unemployed because you have to go to \$2.50 an hour. I submit that there are other solutions to that particular problem. The solution could be less hours, and any business that cannot adjust itself so it can pay a decent subsequent wage ought to be not in business. I think that this particular document is a great argument for a minimum wage of \$2.50 per hour.

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

ROLL CALL

YEA — Garsoe, Rollins, Torrey.

NAY — 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, Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Doak, Drigotas, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Saunders, Shute, Silverman, Smith, Snow, Snowe, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Usher, Walker, Webber, Wilfong, Winship, The Speaker.

ABSENT — Clark, Curtis, Dow, Dudley,

Lizotte, Lovell, Mackel, Perkins, S. Peterson, T.; Rideout, Tyndale, Wagner.

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

The SPEAKER: Three having voted in the affirmative and one hundred thirty-five in the negative, with twelve being absent, the motion does not prevail.

The pending question now before the House is on the motion of the gentleman from Durham, Mr. Tierney, that the House accept Report A.

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 pending question is on the motion of the gentleman from Durham, Mr. Tierney, that the House accept Report A, "Ought to pass," on L. D. 173. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Drigotas, Durgin, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Higgins, Hobbins, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Leonard, Lewis, Littlefield, Lunt, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Mills, Mitchell, Morin, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Saunders, Shute, Silverman, Smith, Spencer, Strout, Stubbs, Talbot, Theriault, Tierney, Truman, Twitchell, Usher, Walker, Wilfong, Winship, The Speaker.

NAY — Ault, Bagley, Birt, Bowie, Burns, Byers, Call, Connors, DeVane, Doak, Dyer, Farnham, Garsoe, Gould, Gray, Hewes, Hinds, Hunter, Hutchings, Immonen, Jackson, Kelley, Laverty, Lewin, Lynch, Mackel, MacLeod, McMahon, Miskavage, Morton, Norris, Palmer, Perkins, T.; Rollins, Snow, Snowe, Sprowl, Susi, Tarr, Teague, Torrey, Tozier, Webber.

ABSENT — Clark, Curtis, Dow, Dudley, Lizotte, Lovell, Perkins, S.; Peterson, T.; Rideout, Tyndale, Wagner.

Yes, 96; No, 43; Absent, 11.

The SPEAKER: Ninety-six having voted in the affirmative and forty-three in the negative, with eleven being absent, the motion does prevail.

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

(Off Record Remarks)

On motion of Mr. Usher of Westbrook,
Adjourned until nine o'clock tomorrow morning.