

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

Monday, May 5, 1975

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

Prayer by the Rev. Arthur Perkins of Hampden.

The members stood at attention during the playing of the National Anthem by the Hampden Academy Band, SAD No. 22.

The journal of the previous session was read and approved.

**Papers from the Senate
Conference Committee Report
Later Today Assigned**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on 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) ask leave to report: that the Senate recede from its action whereby it Passed the Bill to be Engrossed, as amended by Senate Amendment "A" (S-65); recede from its action whereby it adopted Senate Amendment "A"; indefinitely postpone Senate Amendment "A"; adopt Conference Committee Amendment "A" (S-111) submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A" (S-111); that the House recede from its action whereby it indefinitely postponed the Bill; adopt Conference Committee Amendment "A"; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A", in concurrence.

Signed:

Messrs. CLIFFORD of Androscoggin
THOMAS of Kennebec
JOHNSTON of Arrostook
— of the Senate.
Messrs. DeVANE of Ellsworth
DAM of Skowhegan
McMAHON of Kennebunk
— of the House.

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

In the House, the Report was read.

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

Mr. PALMER: Mr. Speaker, I wonder if some member of the committee could explain just exactly what was done?

On motion of Mr. Rolde of York, tabled pending acceptance of the Conference Committee Report and later today assigned.

The following Communication:

May 2, 1975

The Honorable Edwin H. Pert
Clerk of the House
107th Legislature
Augusta, Maine
Dear Mr. Pert:

The Senate voted today to Insist and Join in a Committee of Conference on Bill, "An Act Increasing the Number of Associate Justices of the Supreme Judicial Court" (S. P. 147) (L. D. 510).

Respectfully,

Signed: HARRY N. STARBRANCH
Secretary of the Senate.

The Communication was read and ordered placed on file.

The following Joint Resolution: (S. P. 510)

WHEREAS, the Sugarloaf Mountain Corporation is constructing a double chairlift and related ski access trails on Sugarloaf Mountain in Franklin County; and

WHEREAS, Sugarloaf Mountain is one of 3 known locations in Maine where the yellow-nosed vole lives; and

WHEREAS, the yellow-nosed vole (microtus chrotorrhinus) is one of the world's rarest and least-known mammals and is on the Inland Fisheries and Game Department's unofficial list of potentially endangered wildlife in Maine; and

WHEREAS, the yellow-nosed vole does not like to cross grassy areas, which are the habitat of its competitor, the red-backed vole; and

WHEREAS, the Sugarloaf Mountain Corporation has agreed to plant trefoil beneath the chairlift to encourage the yellow-nosed vole to cross this area in their multitudinous journeys from wood to wood; now, therefore, be it

RESOLVED, that We, the Members of the 107th Legislature in regular session, do hereby respectfully urge and request the Department of Inland Fisheries and Game to place no less than 3, nor no more than 6, signs along the chairlift, these signs to read "Warning, Vole Crossing" and to be of sufficient size to be clearly visible to persons utilizing the chairlift; and be it further

RESOLVED, that the Secretary of the Senate shall send a suitable copy of this Resolution to Maynard F. Marsh, Commissioner of Inland Fisheries and Game.

Came from the Senate read and adopted.

In the House, the Resolution was read.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This order may look amusing, but it really is a little important and I would like to just mention a few things this morning in connection with it.

First of all, you probably have heard things and read things in the paper that this was a controversial item, and it certainly was when it first hit the people involved, but once they sat down and had an opportunity to talk it over with knowledgeable people, a very successful accommodation was reached, a program of planting which the corporation had planned to do all along or wanted to experiment with did take place and everybody is happy, and I think Sugarloaf is to be commended for the way in which they handled this.

The order addresses itself in a way which will create publicity for this. I think that is good, and I hope that you will see fit to go along with this this morning. The agreement with regard to this very rare mammal cost Sugarloaf nothing, except the inconvenience of addressing the problem, and Mr. Skinner, the President of Sugarloaf, said that he felt a very useful accommodation had been reached.

Thereupon, the Joint Resolution was adopted in concurrence.

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Amend the Municipal Public Employees Labor Relations Law" (S. P. 208) (L. D. 698)

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

Leave to Withdraw

Committee on Judiciary reporting Leave to Withdraw on Bill "An Act Regulating Abortion Procedures" (S. P. 486) (L. D. 1616)

Committee on Natural Resources reporting Leave to Withdraw on Bill "An Act to Permit Discharges of Equal or Higher Quality than Receiving Waters (S. P. 444) (L. D. 1506)

Came from the Senate with the Reports read and accepted.

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

Ought to Pass

Report of the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act Relating to Maternity Benefits for Unmarried Women Health Insurance Policyholders and Minor Dependents of Health Insurance Policyholders" (S. P. 121) (L. D. 407)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-88)

In the House, the Report was read and accepted in concurrence and the Bill read once. Senate Amendment "A" (S-88) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Amend the Maine Consumer Credit Code as it Relates to the Refinancing of Single Payment Loans Granted by Supervised Financial Organizations" (Emergency) (H. P. 1063) (L. D. 1343) which was passed to be engrossed in the House on April 29.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mrs. Clark of Freeport, the House voted to recede and concur.

Orders

Mr. Hewes of Cape Elizabeth presented the following Joint Order and moved its passage: (H. P. 1565)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Cape Elizabeth High School Girls Swimming Team Which has Won 103 Consecutive Meets, Broken 7 State Records and Become State Champions for the 3rd Consecutive Year

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

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

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

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

Mrs. Goodwin from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds for Repair and Maintenance and Operation of the State-owned Dam on Dead River in Androscoggin County" (H. P. 869) (L. D. 1046) reporting "Ought Not to Pass"

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds to the

State Parole Board for Payment of Appointed Attorneys Representing Indigent Parolees" (H. P. 826) (L. D. 1009) reporting same.

Mr. Gray from the Committee on Public Utilities on Bill "An Act to Permit the Governor to Suspend Certain Proposed Public Utility Rate Increases and Restructurings During an Economic Emergency Pending the Outcome of an Investigation" (Emergency) (H. P. 598) (L. D. 741) reporting same.

Mr. Birt from the Committee on Election Laws on Bill "An Act to Require Municipal Clerks to Account for Absentee Ballot Forms and to Regulate Absentee Voting by Certain Institutional Patients" (H. P. 416) (L. D. 503) reporting same.

Mr. Birt from the Committee on Election Laws on Bill "An Act to Permit Certain Candidates for Public Office to Purchase Voting Lists from Municipalities at One-third the Regular Cost of those Lists and to Limit the Cost of those Lists" (H. P. 1049) (L. D. 1337) reporting same.

Mr. Curran from the Committee on Natural Resources on Bill "An Act to Clarify the Law Relating to Disposal of Septic Tank or Cesspool Wastes" (H. P. 1171) (L. D. 1472) reporting same.

Mr. Bustin from the Committee on Election Laws on Bill "An Act to Establish Run-Off Primaries" (H. P. 1173) (L. D. 1468) reporting same.

Mr. Peterson from the Committee on Natural Resources on Bill "An Act to Insure that Certain Applications under the Site Location of Development Act List the Name of the Responsible Professional" (H. P. 1192) (L. D. 1488) reporting same.

Mr. DeVane from the Committee on Business Legislation on Bill "An Act Prohibiting Repricing of Items in Grocery Stores" (H. P. 1214) (L. D. 1528) reporting same.

Mrs. Goodwin from the Committee on Appropriations and Financial Affairs on Bill "An Act Concerning Municipal Recreation Fund Grants by the Department of Conservation" (H. P. 1091) (L. D. 1370) reporting same.

Mr. MacLeod from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to the Department of Mental Health and Corrections for the Establishment of a Short Term Adolescent Inpatient Care Program" (H. P. 1231) (L. D. 1538) reporting same.

Mr. MacLeod from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to the Sharing of State Sales Tax Revenue" (H. P. 1461) (L. D. 1734) reporting same.

Mr. Pelosi from the Committee on State Government on Bill "An Act Relating to Bonded Indebtedness" (H. P. 912) (L. D. 1110) reporting same.

Mr. Carpenter from the Committee on State Government on Bill "An Act to Insure Citizen Participation in the Promulgation, Amendment and Repeal of Agency Rules" (H. P. 1412) (L. D. 1784) reporting same.

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

Leave to Withdraw

Mrs. Goodwin from the Committee on Appropriations and Financial Affairs on Resolve, Providing Funds for Young Women's Christian Association Fair Harbor Emergency Shelter in Portland, Maine, an Emergency Shelter for Girls (H. P. 906) (L. D. 1105) reporting Leave to Withdraw

Mrs. Goodwin from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Compliance with Federal Fair Labor Standards Act as to Working Patients of Mental Health Institutes and the Pineland Center and Appropriating Funds Therefor" (H. P. 1011) (L. D. 1278) reporting same.

Mr. LeBlanc from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide a Career Ladder and 40-Hour Week for Correctional Employees" (H. P. 1048) (L. D. 1336) reporting same.

Mr. Mills from the Committee on Fisheries and Wildlife on Bill "An Act to Provide Funds for Fishway on the Kennebec River" (H. P. 1178) (L. D. 1470) reporting same.

Mr. Mills from the Committee on Fisheries and Wildlife on Bill "An Act to Establish Certain Big Game Hunting License Categories and to Increase Certain Fees for Hunting Permits" (H. P. 1318) (L. D. 1596) reporting same.

Mr. Hall from the Committee on Natural Resources on Bill "An Act Relating to Requirements for Waste Water Treatment Plants under Environmental Protection Laws" (H. P. 1183) (L. D. 1476) reporting same.

Mrs. Saunders from the Committee on Public Utilities on Bill "An Act to Amend the Charter of the Brunswick and Topsham Water District" (Emergency) (H. P. 674) (L. D. 849) reporting same.

Mr. Littlefield from the Committee on Public Utilities on Bill "An Act to Establish the Maine Commission on Cable Television" (H. P. 1344) (L. D. 1800) reporting same.

Mr. Torrey from the Committee on Agriculture on Bill "An Act Relating to License and Enforcement of Custom Establishments under Maine Meat Inspection" (H. P. 1262) (L. D. 1556) reporting same.

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Define Rodents as Private Nuisances under the Public Health Statutes" (H. P. 651) (L. D. 803) reporting same.

Mrs. Clark from the Committee on Business Legislation on Bill "An Act to Require Apprentice Hairdressers to Practice Hairdressing under the Supervision of a Registered Instructor" (H. P. 547) (L. D. 675) reporting same.

Mr. Susi from the Committee on Taxation on Bill "An Act to Change State Income Tax Rate on All Taxable Corporations to Read 6 Percent with an Additional 4 Percent Surtax on Corporate Earnings over \$25,000" (H. P. 461) (L. D. 564) reporting same.

Mr. Finemore from the Committee on Taxation on Bill "An Act Imposing an Inheritance Tax on Life Insurance Proceeds" (H. P. 484) (L. D. 603) reporting same.

Mr. Twitchell from the Committee on Taxation on Bill "An Act Providing for the Use of Income Averaging as a Method of Filing Maine Income Tax Returns" (H. P. 513) (L. D. 630) reporting same.

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Allow Trade-in Tax Credit for Camp Trailers" (H. P. 1409) (L. D. 1742) reporting same.

Mr. Drigotas from the Committee on Taxation on Bill "An Act Relating to Municipal Excise Taxes on Boats and Motors" (H. P. 1455) (L. D. 1733) reporting same.

Mr. Carter from the Committee on Appropriations and Financial Affairs on

Bill "An Act to Authorize and Provide Revenue for the Installation of Flood Warning Devices on Major Rivers in the State of Maine" (H. P. 1131) (L. D. 1423) reporting same.

Reports were read and accepted and sent up for concurrence.

Mr. Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Capital Construction and Improvement Appropriations for the University of Maine from the General Fund for the Fiscal Year Ending June 30, 1976" (H. P. 1062) (L. D. 1342) reporting same.

Report was read.

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

Mrs. NAJARIAN: Mr. Speaker, I was just wondering if any member of the Appropriations Committee could explain why they gave this bill a Leave to Withdraw and if they intend to give money to the university by some other method?

The SPEAKER: The gentlewoman from Portland, Mrs. Najarian, poses a question through the Chair to any member who may care to answer.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: The Appropriations Committee last week heard two bills that had to do with capital construction at the University. We are going to fund, or ask the people perhaps to fund some of the items that seem most urgent to the committee, and leave to withdraw was granted to this bill so that the Appropriations Committee could take up the less urgent matters in a special session. But we will be reporting out a bill to you that will deal with the most urgent matters.

Thereupon, the Report was accepted and sent up for concurrence.

Mr. Cooney from the Committee on State Government on Bill "An Act to Authorize Community and Rural Development Districts" (H. P. 970) (L. D. 1221) reporting same.

Mr. Carpenter from the Committee on State Government on Bill "An Act Concerning Membership on the Governing Bodies of Regional Planning Commissions" (H. P. 1046) (L. D. 1334) reporting same.

Report was read and accepted and sent up for concurrence.

Mrs. Kany from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Allow Seasonally-occupied Homes to be Taxed at a Special Rate (H. P. 1034) (L. D. 1321) reporting same.

Report was read.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The reason I set this aside is because the gentleman from Portland has said he wanted to take action on it. He was not in his seat at the time that this came up, so I set it aside to give him an opportunity to explain or take whatever action he wanted on it.

Thereupon, on motion of Mr. Connolly of Portland, tabled pending acceptance of the Committee Report and tomorrow assigned.

Mr. Snow from the Committee on Labor on Bill "An Act Relating to Notice or

Severance Pay by Employer" (H. P. 1083) (L. D. 1363) reportingsame.

Mr. Snow from the Committee on Labor on Bill "An Act Defining Applicability of Federal Fair Labor Standards Act to Inmates of Correctional Institutions" (H. P. 1039) (L. D. 1329) reportingsame.

Mr. Snow from the Committee on Labor on Bill "An Act Defining Applicability of Federal Fair Labor Standards Act to Inmates of Correctional Institutions" (H. P. 1039) (L. D. 1329) reporting same.

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Relating to the Valuation of Farmland" (H. P. 550) (L. D. 678)

Report was signed by the following members:

Mr. JACKSON of Cumberland
— of the Senate.

Messrs. IMMONEN of West Paris
MORTON of Farmington
FINEMORE of Bridgewater
SUSI of Pittsfield
TWITCHELL of Norway
DAM of Skowhegan
MAXWELL of Jay
DRIGOTAS of Auburn

— of the House.

Minority Report of the same Bill reporting "Ought to Pass" as amended by Committee Amendment "A" (H-237) on same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington
MERRILL of Cumberland
— of the Senate.

Messrs. MULKERN of Portland
COX of Brewer
— of the House.

Reports were read.

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

Mr. DRIGOTAS: Mr. Speaker, Ladies and Gentlemen of the House: I move that the Majority Report of the Committee on Taxation "ought not to pass" be accepted.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the motion that we accept the majority "ought not to pass" report.

The purpose of this bill, as it is in the statement of fact, is to expand the definition of farmland, which must be assessed at just value, rather than its highest and best use and the statement of fact goes on to say, this will protect a person who would be forced to sell land or which they could not afford to pay taxes if assessed at highest and best use.

Now, we have one situation in our state which disturbs me, and it is the pressure upon landowners to either sell to developers or to affluent persons, who can afford to pay property taxes on the high valuations which results from the pressure upon both the landowner and the open land. Too often the result is either the building up of open land, where it might be better if the land were left open, or the land comes into the hands of non-residents, especially along the coast, and the native is, in effect, squeezed off his land. Now, to me, land is farmland, whether the produce is sold or consumed by the owner, and that is the major change in this bill that you would take into consideration in the classifying of this land as farmland, the produce that was consumed by the owner.

The Maine resident who wants to live on his land and keep it open should have this means of making it possible for him to do so.

I hope the House will reject the majority "ought not to pass" report and I move that the House accept the minority "ought to pass" report as amended by Committee Amendment "A".

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I am in complete sympathy with the motives and the interest of the gentleman from Brewer. I would like to fill in a little more information on it. We do now have in the books, Farm and Open Space Land Law, it is known as, and it provides that if there is more than 10 acres involved and if there is \$1,000 or more in agricultural products produced from this 10 acres or more, then the owner of this property can petition the assessor to assess it or, as the gentleman from Brewer explained, not in highest and best use, which might be for development, but for its existing use, which would be agricultural under this definition.

I think this is an extremely liberal provision in our law now inasmuch as only \$1,000 worth of produce has to be taken from 10 acres or more in order for it to qualify as farmland under the existing law.

The bill as it is presented to us provided for a change back from 10 acres to 2 acres and staying at a \$1,000 and that is not an issue here this morning. There were no members of the committee who supported the bill in its original form.

The majority report was "ought not to pass" and I believe that the principal consideration with the "ought not to pass" signers was this, what to me is dominant fact, that the new or the amended form of the bill would provide for assessors taking into consideration food that was consumed by the residents of this property and presumably produced from this property. It is just, in my opinion, practically an impossible thing to ask our assessors across the state to ascertain how much food has been consumed from what has been produced on a piece of property. We are involved already with the questions about assessment and we are going to become more involved later. I am sure, but an assessor — I believe the figure is roughly 10,000 parcels that he can reasonably handle in a year. That is to determine the value of this number and then this I believe is considered a workload for an assessor, but if you start loading assessors to where they are going to have to perhaps spend a day or more talking with a single property owner to determine how much his family eats, it is just going to become hopelessly impossible.

I know that this legislation wouldn't affect much of the state, but there are areas around our principal urban sections, areas like Windham, Gorham, down round Portland and the outlying towns around these cities where a high percentage of property would be eligible for consideration under this change and I think it would make complete havoc and I hope you will support the motion for the majority "ought not to pass" report.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would be a little remiss if I didn't stand up and speak for this because this was my bill and the intention of it was to help the small farmer

instead of causing him to sell his farmlands, etc., if under 10 acres to be divided up into house lots. Anyone who had ten acres or more, our good friend Mr. Susi had mentioned that the assessors would spend a great deal of time with this farmer to prove that they are raising \$1,000 worth of produce on this land in three out of the five years. Well, this isn't so. The way it works is that they only go into the town office or the assessor's office and file an application for this farmland exemption, if they own more than 10 acres. Consequently, this is making it just double and making it much worse for the farmer that owns more than 10 acres. The intention of this bill and it has the support of the organic farmers organization throughout the state and other farm organizations for the simple reason that anyone who has a small piece of land and is trying to make a little assistance in their living or subsidize their small income, they are unable to do so because the land is valued at house lot valuation and especially in my area where you have a 100 percent valuation assessment, these house lots, if you have 8 acres, it is figured at \$3250 a lot, some \$1620, etc. This is quite a strain on some of the retired people living on fixed incomes and to make this worse for a man that owned 12 acres and is filling under farmland, the whole thing is just idiotic and I move that this bill and all its accompanying papers be indefinitely postponed and I hope that you will vote in favor of it.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize — I might repeat something the gentleman from Pittsfield, Mr. Susi, has said, but I hope not because I was called from the House. I am in agreement with Mr. Churchill, whose bill this is, because this bill is nothing like the bill he put in. They have changed on Committee Amendment "A" (H-237) you will notice that they raised the amount he had to have from \$1,000 to \$2,000, which is the worst thing they could have done in my opinion, because the little one who is trying to hold onto a little piece of an old homestead or something, when you double the amount he has got to raise, it is hurting him rather than helping him.

Also, if this was written properly and read properly and put in at \$1,000 the value of the commodities used for consumption by the householder, it would be all okay, but this isn't so. I am very much in agreement now with the amendment on it, of the motion to indefinitely postpone, for the simple reason that it is nothing like the bill as it was written and the intent of the bill is not in this at all. I hope you will go along with the indefinite postponement of this bill and all its accompanying papers.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out a few things here under this business of including the value of commodities which are used and it has been mentioned by the gentleman from Pittsfield, Mr. Susi, the difficulty of determining how much a farm household eats. Well, this does not include only food. Many of these parcels of land, especially along the coast, have a parcel of woodland, and it is not too hard to look at a pile of wood in the dooryard that may have 10 cords of wood valued at \$50 or \$60 a cord and say that this

family is consuming \$500 or \$600 worth of produce from the land in the form of fuel. Also, if they raise beef animals, it is very simple for them to bring a receipt from the slaughter house that killed this animal saying how large the animal was and so it is not too hard to determine this.

It is true that we have raised it from \$1,000 to \$2,000, but we have made it possible to include the produce that was consumed by the family. As for this making a lot of extra work for the assessors this is not necessarily so. The assessor is not required to go out and chase around looking for proof. The burden of proof is on the taxpayer to prove that he has produced this much on his land.

Personally, I might have preferred to have left it at \$1,000 and included materials produced and consumed by the farm household, but in order for us to come up with a bill that we could get a number of signatures on, it seemed to be necessary for us to raise this valuation to \$2,000.

I still say that basically it is a good bill, because on these small subsistence farms, the largest amount of produce raised quite often is consumed, especially if it is woodland. I still stand by my previous remarks and my previous motion.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Just to set the record straight, I would thoroughly support the motion to indefinitely postpone.

The SPEAKER: The pending question is on the motion of the gentleman from Orland, Mr. Churchill, moves that we its accompanying papers be indefinitely postponed. The Chair will order a division. Those in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken. 97 having voted in the affirmative and 17 in the negative, the motion did prevail.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I would like to move reconsideration and hope that you will vote against me.

The SPEAKER: The gentleman from Orland, Mr. Churchill, moves that we reconsider our action whereby this bill was indefinitely postponed. All in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

(Off Record Remarks)

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Exempt Nonprofit Historical Societies and Museums from Payment of Sales Tax" (H. P. 1326) (L. D. 1627)

Report was signed by the following members:

Messrs. WYMAN of Washington
JACKSON of Cumberland
MERRILL of Cumberland
— of the Senate.

Messrs. MAXWELL of Jay
TWITCHELL of Norway
IMMONEN of West Paris
DAM of Skowhegan
— of the House.

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

Report was signed by the following members:

Messrs. DRIGOTAS of Auburn
COX of Brewer
SUSI of Pittsfield
MORTON of Farmington
FINEMORE of Bridgewater
MULKERN of Portland
— of the House.

Reports were read.

On motion of Mrs. Saunders of Bethel, the Majority "ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought to Pass" as amended by Committee Amendment "A" (H-242) on Bill "An Act to Extend the Hours for Sale of Liquor During the Tourist Season" (H. P. 1358) (L. D. 1660)

Report was signed by the following members:

Messrs. CARBONNEAU of Androscoggin
DANTON of York
— of the Senate.

Messrs. JACQUES of Lewiston
FAUCHER of Solon
MAXWELL of Jay
DYER of South Portland
PIERCE of Waterville
PERKINS of Blue Hill
— of the House.

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

Report was signed by the following members:

Mr. GRAFFAM of Cumberland
— of the Senate.

Messrs. LIZOTTE of Biddeford
TWITCHELL of Norway
IMMONEN of West Paris
RAYMOND of Lewiston
— of the House.

Reports were read.

On motion of Mr. Maxwell of Jay, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-242) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-243) on Bill "An Act Relating to Innkeepers, Victualers and Lodging Houses" (H. P. 1115) (L. D. 1406)

Report was signed by the following members:

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

Messrs. HUNTER of Benton
SHUTE of Stockton Springs
BURNS of Anson
COTE of Lewiston
DUDLEY of Enfield
CAREY of Waterville
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-244) on same Bill.

Report was signed by the following members:

Messrs. GOULD of Old Town
PERKINS of Blue Hill
JOYCE of Portland
FAUCHER of Solon
— of the House.

Reports were read.

On motion of Mr. MacLeod of Bar Harbor, tabled pending acceptance of either Report and tomorrow assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-238) on Bill "An Act to Remove the Inheritance Tax Exemption for Life Insurance Proceeds in Excess of \$50,000 and to Increase the Inheritance Tax Exemption for Husbands and Wives" (H. P. 557) (L. D. 686)

Report was signed by the following members:

Mr. MERRILL of Cumberland
— of the Senate.

Messrs. MAXWELL of Jay
DRIGOTAS of Auburn
FINEMORE of Bridgewater
SUSI of Pittsfield
MULKERN of Portland
COX of Brewer
TWITCHELL of Norway
— of the House.

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

Report was signed by the following members:

Messrs. WYMAN of Washington
JACKSON of Cumberland
— of the Senate.

Messrs. IMMONEN of West Paris
MORTON of Farmington
DAM of Skowhegan
— of the House.

Reports were read.

On motion of Mr. Drigotas of Auburn, tabled pending acceptance of either Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act Relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 910) (L. D. 1109)

Report was signed by the following members:

Messrs. THOMAS of Kennebec
REEVES of Kennebec
JOHNSTON of Aroostook
— of the Senate.

Mrs. BOUDREAU of Portland
Mrs. CLARK of Freeport
Mrs. BYERS of Newcastle
Messrs. DeVANE of Ellsworth
PIERCE of Waterville
BOWIE of Gardiner
RIDEOUT of Mapleton
PEAKES of Dexter
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on the same Bill.

Report was signed by the following members:

Messrs. HIGGINS of Scarborough
TIERNEY of Durham
— of the House.

Reports were read.

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

Mrs. CLARK: M. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority Report of the committee "Ought not to pass."

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

Mr. DAM: Mr. Speaker, Ladies and

Gentlemen of the House: I think that most of you are aware that this is my bill and I do want to thank the two members of the House that saw fit to have a real feeling of compassion and human decency and understanding to sign the bill "ought to pass."

I am not going to make a real long speech this morning. I realized when the bill was rereferred from one committee to the other what the outcome would be. I have spent six years here and I know how the system operates, but I think today is really a sad day and it is a dark day for the people of the State of Maine, because what is happening with this bill, even though it affects only the newsboys, who are minors, and have no one to represent them, no one to stand up for their rights, I think it clearly tells the people of the State of Maine that if you can't afford to send a lobbyist to Augusta, you can't afford to come up with several hundred thousand dollars, you are not going to have any protection for your rightseither.

When I presented this bill to this session, at the hearing, I can truly say that I have never seen a bigger array of high-pay executives and lobbyists than I saw at that hearing, and it is hard to present one of these bills, because the only people you have to testify are the ones who are working for a living and at that time they were going to school.

I was fortunate that I had a newspaper boy from my town come down to speak on the bill. There were three others there, and I asked them if they were going to speak, but when they saw the big guns that had been leveled, I think they became intimidated and they didn't dare speak. I realized then that the report was not going to be too good. I also realized this back when the newspapers, prior to the hearing, clamped a complete blackout on anything that had the word "Dam" in it, and I would assume even if you were going to use it as a part of profanity that it would have been clamped out too, even if you were going to use it to reconstruct the dam on a brook or a stream, they would have clamped out that because of the word "dam" appearing in the news.

And it amazed me, because back in the previous session when I introduced this bill, I stood on the floor of the House and I claimed that the television stations were in cahoots with the newspapers. A letter came immediately to the members of the House and myself saying, no, this was not true, that the television stations operated on their own, even though they may be owned by part of the same chain that owns the newspapers.

Well, it amazed me that this time this did not come about. It amazed me when the television stations showed up in opposition to this bill, and I have before me the letter that came to me on May 21, 1971, from the Guy Gannett Broadcasting Services, which says that they are separated and they work on their own and they don't take the position of the newspaper. Well, something has changed their mind in this short span of time, because they did appear, and I think it is a shame for the people of the State of Maine when one newschain can mount up such opposition to a bill that is long overdue when it comes out with a report such as this. I think it is a shame as the prices of the newspapers go up to the people that the profit or the take-home pay for the newsboy declines. I think it is a shame when a little small boy

or little girl is loaded up with a bag of papers that they can't carry and they have to split this in two or three locations to finish their route, and they receive nothing extra. I think it is a shame when small children have to get their parents out of bed at four o'clock in the morning to go with a pickup truck and help them deliver those papers so Guy Gannett can get richer and that chain can become richer too at the expense of bleeding the young people of this state.

We have stood here many times, many of us in the House, we have told what an asset the young people are to this state and to our nation. We say this out of one side of the mouth, but on the other side we say, let's use them for our profit and our gain.

I don't say that I feel bad or sad that this came out this way, because as I said, I realized it, but I do think that on the eve of the bicentennial that this would have been a good bill to enact to show that we have the same feeling for the minorities and the oppressed that our founding forefathers had. I feel too that to pass this bill would have been one of the greatest shows of strength that the legislature could have to show that they are not controlled, not controlled by a company that can put up hundreds of thousands of dollars to take two or three cents out of the newsboy's pocket.

In past times, the House has always gone along with this bill, and at one time I thought that I might run for that higher and esteemed body, but I think in the House that we have got more feeling, more compassion, more understanding, for the people of this state that are oppressed, that are being used and being manipulated by the large companies, and namely, today I am speaking of the Guy Gannett Publishing Company and the news media of this state than some of the other people.

I would hope today that we did not accept the majority "ought not to pass" report, but that we would accept the minority "ought to pass" report, and it is true it is only a minority of two, but I can say one thing, that I thank the Almighty that there are two that have got compassion and love for their fellow man in their hearts.

If we cannot do something with this bill, and the bill may not be perfect, I have yet to see a perfect bill come through this House, it may need amending, but it could be amended, it could be passed to give the little newsboy who is struggling in the snow at four o'clock in the morning, 20 below zero, give him a couple cents more to take home. It is this same young person that the newspaper companies, namely the Gannett Company says we are training them to be good businessmen. If bleeding someone, using someone, is training them to be good businessmen, again, I am thankful that I was never trained to be a good businessman. But evidently this is the way big companies feel. We have seen it when we have had minimum wage increases before this House. We have seen telegrams come down saying you are going to put us out of business, you are going to take away our very livelihood. Well, I don't think by giving the newspaper boy two cents more, a cent more per supplement, or even compromising at a half cent, it is going to take away any bread from the executive of the Gannett Publishing Company's table. I don't think it is going to take away their little mansion that they use for their executives at Ross Lake. Maybe they need this penny apiece that they are taking from the newspaper boy to subsidize this and support it. I don't

know. But I can assure the Gannett Publishing Company today, and all the publishing companies in this state that if they need donations to support their little getaway, hide-a-way, whatever you want to call it, at Ross Lake, I would be glad to go on the street with a tin cup and see what I could do to help them if they would do something for the newspaperboys.

Maybe if this bill doesn't pass, and personally I think in the other end we might have problems even, I will say this to the publishing companies of this state — since I am unemployed and I don't have anything to do in the summer months, all I do is while away my time, I think it might be a good idea to initiate a bill and let the people have a chance to vote. And I can assure the publishing companies that if it were an initiated bill that it wouldn't be for one cent, it would be for two cents or three cents, or maybe it would be to ban supplements entirely, and maybe this is what should be done.

The newspaper companies are crying that this will take money out of their pockets. Well, I can remember back four years ago when these supplements did create some extra jobs in the newspaper offices, in the publishing houses, because they were inserted by hand. But since then, even with a more hunger and a greater greed by the publishing companies, they have put machines in to put people out of work, so the people don't insert the supplements anymore. And this is what some of the big businesses are doing to the people of the State of Maine and to the State of Maine itself. So today I would hope that the House would reject the majority "ought not to pass" report and accept the minority "ought to pass" report.

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

Mr. FARLEY: M. Speaker, Ladies and Gentlemen of the House: I know it is an eleven to two "ought not to pass" report, and I would like to hear some of the arguments from the people who signed the "ought not to pass" report.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: It is hard for me to conceive that big outfits such as these we have here in this state can control the news that we have, who can write editorials and not even sign their names, whether they are for something or against it, at least get up and say who signed it.

I support Mr. Dam one hundred percent on this, because to give these young kids an extra penny or two is well worth their while, and I am sure, believe me, I have been in business long enough to know, the papers are making money on these supplements or they wouldn't do it.

I feel that having newspapers delivered at my store and young people coming there to get their newspapers, I have seen them come in carts, I have seen them come in these sleds they haul, and some of those papers are so big that they have to make two and three trips, because the newspapers are so big that the young kids cannot carry those newspapers. They go up and down over on Brown Street and all these side streets, all kinds of weather, and to give them an extra penny to me is an insult for them to oppose it.

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

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

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

Mrs. TARR: Mr. Speaker and Members of the House: I think this is truly a mother's bill this morning, and I urge you to accept the "ought to pass" report and show compassion for your little children.

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

Mrs. CLARK: Mr. Speaker, Men and Women of the House: We have seen a pure exercise of freedom of speech in the House this morning and appeal to the emotions, and that is all well and good. But newspaper supplements are increasingly used by newspapers across the state and the country. They are simply used because they are a more efficient, more colorful, way to advertise to potential consumers and the strong point in support of the supplement and its increased use is that they can be preprinted. They do not increase the price of the paper and, yes, occasionally they do increase the weight, but the supplement is used rather than the advertising layout in the regular pages of the paper simply as a matter of efficiency, as I have already mentioned. If the supplement is going to provide an increased cost for newspapers and an increased cost in accounting procedures, it can easily be remedied by incorporating those supplement papers in the regular pages of a newspaper, but they aren't as effective. The advertisers who pay for the supplements prefer the supplements rather than the regular incorporation into the normal pages of the paper.

There are 4,000 carriers in the State of Maine, and last year they earned over \$2 million, or an average of \$500 a year. Twenty-five percent of the retail price of the paper is given to the carriers. The average weight of a newspaper is six ounces per copy, and this is on a diminishing load. Obviously, when the newspaper boy or girl picks up their newspapers for that particular delivery day, then the load begins with a reasonably heavy burden, and as the papers are delivered, then the load diminishes. So it was the feeling of the committee that this does not provide an undue hardship on the young people of this state.

I would simply ask that the members of this House do not interfere in the normal operation of what is a tremendously effective service to all Maine people in the area of jobs for the young boys and girls who deliver the newspapers and for the employees of the number of newspapers across the state.

I personally do not possess prejudice against those newspaper chains who do service the state, and I would ask that you support the majority committee report this morning.

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

Mr. CAREY: Mr. Speaker and Members of the House: I was listening to the gentlewoman from Freeport, Mrs. Clark, when she said do not interfere, and maybe we shouldn't interfere when we set a minimum wage. Maybe we shouldn't interfere when we make sure that a nursing home is made safe for the people who live in that nursing home. I would be interested, Mr. Speaker, if the gentlewoman from Freeport, Mrs. Clark,

could tell me exactly what does a newspaper get paid for inserting a supplement rather than going into an ad? I have never known what the cost of a supplement is in a newspaper.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: To dispute a few of the arguments of the lady from Freeport, first of all, in nine out of ten cases in these supplements, they are not printed with the newspaper, they are printed out of state or some specialty shop. Secondly, they don't have the facilities to put this kind of an insert of color, it is more expensive to multi-color inserts for a newspaper. Lastly, these boys contracted to deliver the newspaper coming out of that particular business there, not inserts that are made in Vermont, New Hampshire, Bath or wherever they may be.

The newspapers make out fairly well on this. I have had some experience in the newspaper business, and I assure you, the only one that is not making money is the little newsboy.

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

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I was driving to work the other morning with the good gentleman from Durham, Mr. Tierney, who remembered that I worked personally for Mr. Gannett, whose name has come up, and he said, "Rog, tell me what Mr. Gannett is like, he died some years ago, and who was he like?" I thought for a minute, I knew him really rather well and said, frankly, I think he is more like Everett Dam than anyone else I can think of. I further think if Mr. Dam had been around in those days and had introduced his bill, it would not have had such opposition as it probably has had from the publishing company which bears Mr. Gannett's name, and I am quite sure that having been a profane man, he would have referred to it as a "Dam good bill."

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: Next Sunday will be Mother's Day, and for my own mother, who for six years got me up at that 4:00 a.m. to deliver those newspapers, and for the many mothers in the State of Maine, I urge you to follow the directions of the gentlewoman from the Bridgton area and pass this bill as a tribute to the mothers on Mother's Day.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Being one of the youngest members of this body, I can remember just five years ago when I was a carrier of the Maine Sunday Telegram in my area of Sanford, I can tell you, I know how heavy those papers were. I was fortunate, I was a senior in high school and on those cold, wintery mornings when it was 20 below, I just happened to have a driver's license, so I was fortunate enough to be able to drive along and deliver my newspapers. But I must concur wholeheartedly with the gentleman from Skowhegan, Mr. Dam, because I know how heavy those were. I was on a bike before and I had a heavy sack around my neck and just 20 or 40 papers was enough to load it down and make my tires look flat. And not only that, as a carrier, maybe a businessman, it sure as heck didn't make me a rich one.

I can remember many a time when the newspapers didn't come in until about 8 o'clock in the morning, and I was the one to get heck from the customers, not the Guy Gannett Publishing Company, so I concur wholeheartedly with the gentleman from Skowhegan, Mr. Dam, and hope we accept the minority report.

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

Mr. DAVIES: Mr. Speaker, Men and Women of the House: I also was a newspaper carrier when I was a boy and I can appreciate the weight of those newspapers. When you are small, they get to be pretty heavy.

I just picked up my Bangor Daily News for today and I can tell you that it weighs a little bit more than six and a half ounces and the reason why is because there are not one, not two, but three supplements in it, so many I can't even hold them all. They weigh more than the newspaper itself. I would urge you all to go along with the good gentleman from Skowhegan, Mr. Dam, and support the minority "ought to pass" report.

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I think I see the handwriting on the wall. However, I would respond to the gentleman from Biddeford, Mr. Farley, and say that perhaps the use of the word "interfere" was a poor choice of words, but the extra expense provided in this bill would eventually be passed on to the consumer and not paid necessarily by the people who own the newspapers.

It was charged at the hearing, where we had obviously a number of opponents, that this bill is a discriminatory bill and would be a handicap to Maine businesses. The average Maine newsboy or girl earns \$1.60 an hour, has an average of 52 customers, works five days a week and earns tips. It was also mentioned, for the clarification and education of the members of the committee, that the newspaper deliveries are made not to an essential spot anymore but near and as close as possible to the home of the newsboy or girl.

The post office regulations do include inserts and supplements, etc., as an integral part of the newspaper and, therefore, the cost of that inclusion or the cost of the supplement is not really, truly and readily transmittible to the true cost of the paper.

At one cent each, the supplement — and this was part of the testimony of Robert G. Nesbit from the Gannett Press, at one cent each, between \$180,000 and \$200,000 dollars annual yearly cost increase would result, and obviously, these costs would be passed on as is the tradition of Maine businesses to the consumer.

Also, Maine newspapers would be placed in a discriminatory position in comparison with out-of-state newspapers, therefore, giving them an advantageous position in the competitive market.

Furthermore, the advertiser, who does prepare or has printed these newspaper supplements and inserts, would be moving away from the newspaper medium, perhaps moving to other areas of advertising and advertising media, which could result in a tremendously decreased income for Maine newspapers.

Mr. Hartley Baxter, who is the advertising manager of Shaw's Supermarket and although they don't have a Shaw's in Madawaska yet, many Maine geographic areas do have one, he suggested that this would result in a

\$25,000 additional advertising expense per year for Shaw's Supermarkets, if the one dollar supplement bill were passed, because that cost would be passed on to Shaw's Supermarket and they would do some serious consideration as to the effectiveness and cost effectiveness of this type of advertising media. With that in mind, and having fulfilled my duties as Chairwoman of the Business Legislation Committee, I await the outcome of the verdict of this House.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, to respond to the good lady from Freeport, Mrs. Clark, she says that Shaw's Market, this would have a burden put on them. Well, with the minimum wage bill we have before us, maybe we shouldn't put a burden on any industry, maybe we should knock the minimum wage down to 80 cents an hour and then we would be helping all the industries, if we are going along with the arguments there.

The other thing, she talks about the hardship on the paper company. I am not really concerned with the hardship on the company, I am concerned with the hardship on the young boy or girl that gets up at 4 o'clock in the morning, wading through the snow delivering the newspapers. She talks about a \$1.60 an hour that these young people get, that is once in a campaign. I printed up some fliers and went from house to house and passed out the fliers, but I didn't do it at 4 o'clock in the morning, 20 below zero, I did it in the better part of the day when I could move along fairly fast or at a reasonable rate. Now, to get a \$1.60 an hour at 20 or 25 below zero, with six or ten inches of snow on the ground and wading through the snow to each house and, incidentally, the mailman doesn't deliver your mail if your path is not shoveled, but you do expect your newspaper when a path is not shoveled, and to get a \$1.60 an hour, they have got to do 50 houses in one hour. It may not sound like a lot to the people in the city, but when you go into the towns, and there are 413 towns in this state, you have to travel quite a distance to do 50 houses in an hour.

I even question the \$1.60 an hour that they are making and the reason I question that is, how many of you people in this House pay your newsboy at 4 o'clock in the morning? They come back in the afternoon on a Friday or a Saturday when you are home and collect the money. They are not being paid for collecting that, they are not being paid to keep their records, they are not being paid when they pay out of their own pocket for their own receipt books, the company doesn't give them that, the company doesn't pay for that canvas bag to go over their shoulder, they pay for it, but the company is very nice with their words. They say, we share the cost with you and so we are only charging you half, the other half you pay. So, I am not really concerned with the newspapers, I am concerned for the people and in this case for the young people that have no lobbyists down here to speak for them.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I never like to argue with the women because I never win, and I have some questions that I would like to say to the good lady who is Chairman of that Committee. It is nice

that this big company comes in here and says how much young kids make, says how much it is going to cost the people of the state if they give a kid an extra penny or two, it takes a lot of guts for people to get up and do that — how much do they make? They talk about it is going to cost more money for the consumer. How about when their employees, their unions ask for more money working in those plants, who pays for that? The company doesn't take a loss. They have got the nerve to ask not to pay them more.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the house: The consumer has been brought into this this morning and that is about my only connection with the newspaper, I am a consumer. I have always resented these supplements falling out, having to be taken care of and I support the gentleman from Skowhegan, Mr. Dam.

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would support the minority report. There are very few boys who pass these newspapers at all hours and get a lot of the flak that should go to the newspapers themselves. I don't think it is going to hurt these companies to give them an extra penny here and there. I know that I have had to deliver them myself when my son was sick, and I don't doubt that the majority of you people have had to do the same thing. I hope you will support the minority report.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the house: I, too, want to support the minority "ought to pass" report.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Freeport, Mrs. Clark, that the House accept the Majority "Ought not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Birt, Boudreau, Bowie, Bustin, Byers, Call, Clark, DeVane, Garsoe, Hewes, Pierce, Rideout.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Burns, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, 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, Lizotte, Lovell, Lunt, Lynch, MacEachern,

Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBreaarty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulhern, Nadeau, Najarian, Norris, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Post, Powell, Quinn, Raymond, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship. ABSENT — Blodgett, Fraser, Martin, R.; Palmer, Peakes, Perkins, S.; Strout, Susi, Webber.

Yes, 13; No, 127; Absent, 9.

The SPEAKER: Thirteen having voted in the affirmative and one hundred and twenty seven in the negative, with nine being absent, the motion does not prevail.

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

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act Pertaining to the Qualifications of Elevator Mechanics" (H. P. 1448) (L. D. 1703)

Report was signed by the following members:

Messrs. THOMAS of Kennebec
REEVES of Kennebec
— of the Senate.

Mrs. CLARK of Freeport
Mrs. BYERS of Newcastle
Messrs. DeVANE of Ellsworth
PEAKES of Dexter
RIDEOUT of Mapleton
PIERCE of Waterville
BOWIE of Gardiner
HIGGINS of Scarborough
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-239) on the same Bill.

Report was signed by the following members:

Mr. JOHNSTON of Aroostook
— of the Senate.
Mrs. BOUDREAU of Portland
— of the House.

Reports were read.

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

Consent Calendar

First Day

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

Bill "An Act to Allow the Seed Potato Board to Test Foundation Seed Potatoes and to Sell Potatoes Grown on Land Owned by that Board" — Committee on Agriculture reporting "Ought to Pass" (H. P. 1016) (L. D. 1296)

Bill "An Act to Provide Retirement Credit for Superior Court Justices for Time of Service as a District Court Judge" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" (H. P. 1200) (L. D. 1495)

Bill "An Act Relating to Clarification of Interlocking Loans under the Maine Consumer Credit Code" — Committee on Business Legislation reporting "Ought to Pass" (H. P. 1180) (L. D. 1481)

Bill "An Act to Establish the Department of Electric Works Within the Town of Madison" (Emergency) —

Committee on Public Utilities reporting "Ought to Pass" (H. P. 1240) (L. D. 1737)

Bill "An Act Providing Compensation for Public Members of the Maine Municipal Bond Bank" — Committee on State Government reporting "Ought to Pass" (H. P. 872) (L. D. 1078)

Resolution, Proposing an Amendment to the Constitution to Establish Filing Dates for Initiatives and Referendum Petitions; Clarify when the Effective Date of a Bill is Suspended by the Filing of a Referendum Petition; Clarify the Process of Calling a Special Election for an Initiative or Referendum Vote; Limit Legislative Amendment and Repeal of Laws Initiated or Approved by the People; Clarify the Petition Process; and Provide for Review of the Validity of Petitions — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-241) (H. P. 158) (L. D. 188)

Resolve, Authorizing the Director of the Bureau of Forestry to Convey the Interest of the State in and to Certain Land in Medford, Piscataquis County — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-240) (H. P. 181) (L. D. 231)

Bill "An Act to Improve the Management of the Public Lands" — Committee on Public Lands reporting "Ought to Pass" as amended by Committee Amendment "A" (H-247) (H. P. 703) (L. D. 930)

Bill "An Act to Include the Right to Use Submerged Lands as Part of Environmental Licensing" — Committee on Public Lands reporting "Ought to Pass" as amended by Committee Amendment "A" (H-246) (H. P. 567) (L. D. 703)

Bill "An Act Concerning the Maine Consumer Credit Code and the Insurance Statutes" (Emergency) — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-245) (H. P. 789) (L. D. 962)

No objections being noted the above items were ordered to appear on the Consent Calendar of May 6, 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:

Bill "An Act Relating to Ballots Containing Improper Write-in Votes." (S. P. 84) (L. D. 255))

Bill "An Act Relating to Fire Protection for Township 8, R. 4 and Townshi 10, R. 6" (H. P. 885) (L. D. 1056)

Bill "An Act Relating to the Validity of Absentee Ballots" (C. "A" H-234) (H. P. 31) (L. D. 39)

Bill "An Act Relating to Personnel Classification and Functions of the Review and Evaluation and Fraud Investigation Division of the Department of Audit" (C. "A" H-235) (H. P. 1122) (L. D. 1409)

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

(Off Record Remarks)

Passed to Be Engrossed

Bill "An Act to Exempt from the Sales Tax Sales of Goods and Services Essential

for the Care and Maintenance of Seeing Eye Dogs" (H. P. 1423) (L. D. 1693)

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

Passed to Be Enacted Emergency Measure

An Act Relating to State Subsidy for Units with Federally Impacted Students (H. P. 107) (L. D. 104)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 122 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Revise Certain Provisions of the Act Creating Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties (H. P. 933) (L. D. 1213)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Amend the Charter of the Winthrop Water District (S. P. 328) (L. D. 1114)

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

An Act Providing for the Observance of Memorial Day on May 30th (S. P. 371) (L. D. 1198)

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

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Item 4 is an item that would change the date of Memorial Day back to May 30th. A few years ago, we made this the fourth Monday in May and I feel that it should remain the same for a number of reasons, probably the biggest one is this, that May 30th can fall on any day during the week, but if it falls on Tuesday, Wednesday or Thursday, it disrupts your schools; secondly, when it does fall on Monday, it does give an opportunity for people, relatives, neighbors, your children, who now live out of state, to take the long weekend and come back to their home towns and help their parents, if they are still surviving, to commemorate Memorial Day. They can not do this when Memorial Day falls in the middle of the week.

I am not going to push this any further but in order to expedite matters, I am going to move indefinite postponement of this bill.

The SPEAKER: The Gentleman from Hampden, Mr. Farnham, moves that this bill and all accompanying papers be indefinitely postponed.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: This bill was heard before the Legal Affairs Committee and for those of us who have been here for some time will recall, when we did go to the Monday holiday, last year, for those of you who have been around for awhile will recall that we also passed a bill going back to November the 11th for so-called Armistice Day or Veteran's Day.

People who appeared before our committee this time around who were in favor of this bill were those people who are saying that we have gone away from the original intent of Memorial Day setting that day aside for the remembrance of our dead, and that we now have commercialized it and made it just another day for the Chamber of Commerce to push the fact that we have the three day weekend. Basically, it is for that reason that the committee reported this bill out "Ought to Pass".

I would certainly hope that you would vote to defeat the motion of the gentleman from Hampden, Mr. Farnham.

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 support the motion of indefinite postponement. It seems to me at least, I am new to this issue but I am not even sure what May 30th was supposed to memorialize and in the back of my head I seem to remember that it was for the Civil War. So, I doubt that the Civil War Veterans of Maine would be antagonized if we wre to keep this as the fourth Monday of May.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly support the Legal Affairs position on this. We are commercializing these holidays to suit our ourselves. If the war was ended on November 11, and we support that day, why should it be on the 10th or 15th or something else?

For my good friend on the other side of the isle, May 30th we pay homage to our dead, regardless of who they are, that is my opinion. I don't think I would ever get up in this House and say that I don't know what it was for, even if I didn't know what it was for.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have had a lot of complaints. I am a veteran and I have had a lot of complaints over the changing we have done before, when we changed Memorial Day. The organizations across the nation are acting the same in the other states. They are asking that the Memorial Day be put back to where it belongs on the 30th of May, so they may, in their own way, go out and honor the dead that have died in defense of this country. I wholeheartedly support the position of the Judiciary Committee.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the VFW and a member of the American Legion and both of these organizations support this bill and hope that you will not vote for indefinite postponement.

Mr. Silverman of Calais, requested a roll call vote.

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

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

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I would just add one thing. As a veteran, I guess I should be concerned that the veteran's are behind this group or the veteran's organizations but it seems to me that the important thing is that we honor our dead. Whether we honor our dead on Monday or Wednesday or Thursday is not the important thing. I plan to keep Memorial Day as a holiday but I think that a great majority of both our business and our working people that Monday makes more sense than any other day of the week.

The SPEAKER: The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that the House indefinitely postpone Bill "An Act Providing for the Observance of Memorial Day on May 30th." Senate Paper 371, L. D. 1198. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Boudreau, Call, Davies, Dow, Farnham, Gray, Hall, Henderson, Hinds, Hughes, Jackson, LaPointe, Leonard, Lewis, Mackel, McKernan, Mitchell, Morton, Norris, Palmer, Pelosi, Snow, Snowe, Talbot, Torrey, Wagner.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Bowie, Burns, Bustin, Byers, Carey, Carroll, Carter, Chonko, Churchill, Clark, Conners, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Doak, Drigotas, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hennessey, Hewes, Higgins, Hobbins, Hunter, Hutchings, Immonen, Ingegnier, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Maxwell, McBreairey, McMahon, Mills, Miskavage, Morin, Mulkern, Nadeau, Najarian, Peakes, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Spencer, Sprowl, Stubbs, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, Wilfong, Winship.

ABSENT — Carpenter, Connolly, Dudley, Fraser, Jacques, Littlefield, Martin, R.; Perkins, S.; Strout, Susi, Webber.

Yes, 26; No, 112; Absent, 12.

The SPEAKER: Twenty-six having voted in the affirmative and one hundred and twelve in the negative, with twelve being absent, the motion did not prevail.

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

An Act to Amend the Portland Renewal Authority Law (S. P. 389) (L. D. 1249)

An Act Relating to Employment of Minors (S. P. 501) (L. D. 1852)

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.

Enactor

Tabled and Assigned

An Act to Repeal Certain Tax Exemptions (H. P. 650) (L. D. 802)

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

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: As the Clerk was reading the list of enactors this morning, I opened my L. D. book to 802 and discovered that this was heard before the Committee on Taxation and it was presented by the gentleman from Pittsfield, Mr. Susi.

I suspect it had a unanimous "Ought to Pass" Committee Report although I don't exactly remember. It appears that what we are doing is repealing the statute that allows for the local assessors to make a determination on whether or not a person, an indigent person, can pay local taxes and laying that determination to be made by the general assistance administrator which I assume we are referring to the state. I notice the gentleman from Pittsfield, Mr. Susi is not in his seat, so perhaps could some member of the Taxation Committee explain exactly what this bill accomplishes?

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, poses a question through the Chair to any member of the Taxation Committee who cares to answer.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman is correct. It does repeal that portion of the statute. However, the testimony before the committee and the feeling of the committee was that the Title 36 Section 841, allows for the abatement of taxes by the municipal officials by reasons of poverty when they cannot be collected. Actually the municipal officials do have this power without having this statute on the books, and this, in effect, makes the municipal assessors, not the selectmen, but the assessors who might be different, put them in the assistance business and it is felt that they aren't the people who should be in the assistance business, it should be the selectmen. Since there are statutes to take care of it, the Taxation Committee felt that it was wise to move this off the books.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I also looked this up before Representative Greenlaw spoke on this. I don't know what the Taxation Committee's reason behind this is because I went over to the library the other day and looked up the number of tax exempt and abated property and there is very few town reports that don't have abated taxes in there. We have tried to pass a veteran's exemption here and this was defeated, and to try to help out some of these indigent persons and now we are trying to take away the possibility of a town's exempting a few taxes. If a person can't pay their tax and there is no possible

way to pay, I don't see why we shouldn't leave the town to have the responsibility of exempting those. There are only a very few, some town reports had, maybe, six or eight. One town I noticed, the total property tax exemption amounted to \$252 and so forth. You can look at it in the corner of the library over there, every town report in the state, is there.

It seems very strange that all of a sudden the Taxation Bureau will exempt some other for \$200,000 from taxes but to allow the local communities to exempt a few hundred dollars, it looks a little ridiculous to me. I think we ought to indefinitely postpone this bill and all its accompany papers.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope the gentleman did not misunderstand me. The town officials will still have the authority to do exactly what he said, to abate these taxes under Title 36, Section 841, and it puts it in the hands of those who are normally in control of helping indigent people. The way this rather archaic law reads, it puts this particular abatement in the hands of the tax assessor and it was felt by the Taxation Committee that the people who are more familiar with the circumstances of these people would be the ones to handle this rather than the tax assessor.

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

Mr. GREENLAW: Mr. Speaker and Members of the House: Could I pose a question through the Chair? Did the gentleman from Orland, Mr. Churchill, move indefinite postponement of this?

The SPEAKER: The Chair would answer in the negative. He suggested the possibility but did not make the motion.

On motion of Mr. Greenlaw of Stonington, tabled pending passage to be enacted and tomorrow assigned.

An Act to Tax the Personal Property of Domestic Life Insurance Companies (H. P. 695) (L. D. 872)

An Act to Exempt Incorporated Nonprofit Volunteer Literacy Programs from the Sales Tax (H. P. 790) (L. D. 963)

An Act Relating to Motor Vehicle Inspection Mechanic Licenses (H. P. 951) (L. D. 1189)

An Act Relating to Railroad Crossings (H. P. 1013) (L. D. 1271)

An Act to Expand the Right-to-Know Law to Cover the Boards of Trustees of the University of Maine and of the Maine Maritime Academy (H. P. 1018) (L. D. 1316)

An Act Increasing Indebtedness of Jackman Sewer District (H. P. 1029) (L. D. 1318)

An Act Relating to Sources of Supply and Authority of Yarmouth Water District (H. P. 1076) (L. D. 1356)

An Act Concerning the Powers of Officers of Religious Societies (H. P. 1164) (L. D. 1463)

An Act to Authorize the Board of Environmental Protection to Solicit and Receive Testimony on the Economic Effects of Proposed Developments (H. P. 1500) (L. D. 1823)

An Act Amending the Lead Poisoning Control Act (H. P. 1531) (L. D. 1847)

An Act Relating to Reciprocal and Apportioned Registration of Vehicles (H. P. 1542) (L. D. 1853)

Finally Passed

Resolve, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction (H. P. 14) (L. D. 22)

Resolve, to Reimburse A. L. Stewart and Sons of Cherryfield for Loss of Beehives by Bear (H. P. 335) Z(L. D. 418)

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

Orders of the Day

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

Resolve, to Adjust the Retirement Allowance under the State Retirement Law for Donald A. Yeaton of Winthrop (S. P. 450) (L. D. 1509)

In Senate — Majority "Ought Not to Pass" Report accepted.

Tabled — May 1 by Mr. MacEachern of Lincoln

Pending — Motion of Mr. Theriault of Rumford to accept Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: Donald A. Yeaton of Winthrop retired a few months ago as an employee of the State Police Department. At that time he was a clerk in the Supply Office. He worked there 30 years. Before retirement, he contacted the Retirement system and requested them to notify him what his pension would be if he were to retire at that time. They computed it and a little later on, he got a letter from Retirement stating that he would collect \$371.23 per month, if he retired at that time. He discussed this thoroughly with his wife, checked his financial status over and, mutually, they decided that he would retire. After he retired, his job was filled by someone else. Subsequently, approximately a month and a half later, he received another communication from Retirement stating that they had made an error in his computations. They stated that the adjusted pension that he would receive would be \$304.86 which is almost \$70 less than what he had planned on. The testimony before the committee was by Mr. Yeaton, that had he known he wasn't going to get \$371, he would not have retired. I think a grave injustice has been done to Mr. Yeaton, through an error by the Retirement System.

This bill would adjust his pension back to the figure at which he retired in good faith.

A little more information. Mr. Yeaton is 51 years old. He has a 14 year old daughter in school. He has two children now going to college, one in medical school and the other one at the University of Maine.

The estimated overall cost of this adjustment would be \$12,830, which figures about \$804 a year. I think that there is an injustice through an error by the Retirement and I think the State of Maine has some sort of an obligation to give some consideration to Mr. Yeaton. I urge you to vote against the Majority Report. This was not a close Majority Report, there were five members that signed the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: Mr. MacEachern expressed the cost of this bill as \$12,830.12.

This is the amount that will come out of the General Fund and not from the Retirement System because this has to be funded, if this bill is to pass. It is true that the Retirement people did make the error but Mr. Yeaton is now employed parttime, I believe, but we still feel that this bill should not pass.

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

A vote of the House was taken. 17 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I now move that the House accept the Minority "Ought to Pass" Report.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: There is no fiscal note on this, is there? 1509?

The SPEAKER: The Chair would answer in the affirmative. The Chair would suggest that if the Minority Report is accepted, that an amendment be prepared for the bill on the Second Reading so that the fiscal note may be inserted.

The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Before we do what probably is inevitable, we accept the Minority "Ought to Pass" Report, being a member of the Veterans Retirement Committee, I would like to tell you my reasons for signing the "Ought Not to Pass" Report. It is not because I don't have any compassion for Mr. Yeaton's problem, but you are, in fact, in accepting this bill, setting a precedent which could be very detrimental to the Retirement Program. That is it will be taking from state funds, monies to pay retirement which really was not earned, regardless whether the error be made by the State Retirement System, Mr. Yeaton or whoever, it was not a retirement compensation that was earned under the state program that now exists. There must be some other way to correct the problem. The reason I signed the "Ought not to Pass" Report and I am not going to fight it for sure, but it is because I don't feel this is the correct way in doing it because this could come back next year, you could have someone that has the same problem again, you could have someone that goes into the retirement system year after year and they keep asking for the amount of money that they will receive at retirement and the State office will then compute their total of their retirement figure and who knows, the third or fourth year, they may make a mistake and they retire and we are right back in the same position again. It isn't the right way of doing it. I am firmly convinced of that. There must be another way. Perhaps, if somebody feels the same as I do, they could table it and we could work out an alternative solution.

The SPEAKER: The Chair recognizes the gentlewoman from Machias, Mrs. Kelley.

Mrs. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of

the "Ought to Pass" Report, I would just like to say that this was a mistake in the Retirement System and this probably wouldn't be apt to happen again, as far as setting a precedent, I don't think that we would be doing that. I feel that Mr. Yeaton should have the difference that is due him.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This is a real bad bill because it does definitely set a precedent. If you will just look at the figures, you are talking about \$66.37 a month: I don't know the age of this gentleman, I don't know what the actuarial total on this could be, but what you are paying here is \$66.37 a month for a clerical error and it is coming out of the funds of the taxpayers of the State of Maine have provided, and I think it is very unwise to start something of this kind. It could happen again through nobody's fault, but these pensions when they are computed are computed on the basis of the facts and if somebody made a mistake and made a clerical error and made a report, it is just a very bad precedent to start paying for it at this rate. I think if it were put in that context, you would see it differently and I hope you will support the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I realize that this was a mistake and because it was a mistake, I feel that the state has a responsibility to this individual. He retired on the strength of the information that a state employee gave him, an employee of the Retirement System and he testified in committee that he wouldn't have retired had he known that he was going to get the lesser figure. I still feel that we owe him a moral obligation and I don't feel that it establishes too much of a precedent, because it probably has never happened before and it probably will never happen again.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I differ quite much with the gentleman from Farmington, Mr. Morton. I think if this sets up a precedent, it is a good one, because I think if they are going to continue making mistakes, wait until a man has retired for a month and a half and come back and find that mistake after he possibly has made arrangements as to how much money he needed to continue on, I think the state deserves it, deserves to pay.

It has been stated here that this will come out of Retirement Funds, but as I understand it, this will come out of the General Fund. I think if the state made a mistake and had notified him prior to his retiring, that would have been one thing, but if he retired with a letter in his possession showing that he was going to receive \$66 and a few cents more, I think he deserves it and I hope this morning you will go along with the acceptance of the "ought to pass" report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I can sympathize with the good gentleman from Lincoln with the problem that he has, because just a few weeks ago I had to go

over to Retirement System Office because of a gentleman from Bangor who had retired in January, and they had shorted him \$79 a month. I think Representative Finemore who spoke to the point when he said that if there is a mistake being made and the money belongs to this gentleman, I can't see how in good faith this House and the State of Maine wouldn't give him back the money that belongs to him and bring his checks up to where they are supposed to be. If this is a precedent, I think it is a good one.

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

Mrs. LAVERTY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support Mr. Yeaton in that I would like to point out to you that he is not the elderly, he is not the rich, he is one of those people caught in the middle. They are fathers and mothers, as we are, who are trying to support their children in school and I think the error that was made should be done away with. I think we should support him and give him the money that he asks for.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Lincoln mentioned the fact that Mr. Yeaton was entitled to this money. Actually, that is not correct because the entitlement comes from his years of service and his pay while he is in service, and if there was an error made in computing that, that still doesn't alter the fact that what he is entitled to under the law, as it presently exists, is the figure that is the lower figure in the statement of fact on this bill.

I just quickly multiplied this out, probably made a mistake, but if this gentleman lives to be 72 years old, this will have cost the state \$16,725. Now, I think that is quite a price to pay for a clerical error, when in actuality under the law, this gentleman, by years of service and by the salary that he was working under, is not entitled to this money.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to mention to the gentleman from Farmington, Mr. Morton, that we have had clerical errors coming out which now total about \$22.7 million.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think the main point here is that the man retired on the basis of the amount he was expecting to get. Since it is a clerical error, that is one thing, but the important thing is that due to that clerical error or due to whatever did come out of the Retirement System, he retired, and the act of retiring was on the false statement, an untrue statement. Therefore, I think he is entitled to the money.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Just one thing to note, the man is retired, but I don't think there is anything to prevent him from coming out of retirement and going back to work.

People have told me that his particular job has been filled, the vacancy he created,

but I certainly think that there probably would be a spot for him in state government that would be very close to what he had before. I don't really see that there isn't an alternative.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I just want to put the record straight. Mr. Morton had said that it still was costing round \$16,000. The actual rate that the Retirement gave the committee was \$12,830, and I urge your support.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who may care to answer. Is there anything wrong with a man 51 years old going back and assuming his old job and the man who filled that position being put somewhere else? This is state government and it is not something that when you once do something you can never undo it and he is 51 years old, he is not 71.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, has posed a question through the Chair to anyone who may care to answer if they so desire.

The SPEAKER: The Chair recognizes the gentleman from Wallagrass, Mr. Powell.

Mr. POWELL: Mr. Speaker, Ladies and Gentlemen of the House: I believe that either in the last session or the session before, we passed a law that said that once you retire, you can work only one month per year for the State of Maine. I think that effectively closes the door on a retiree going back to work.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who might care to answer it. When the retirement benefits are increased, will he receive the increases on top of the present error or will it be adjusted accordingly?

The SPEAKER: The gentleman from Rockland, Mr. Gray, has posed a question through the Chair to anyone who may care to answer if they so desire.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The answer to that, in my opinion, is in the affirmative.

The SPEAKER: The pending question before the House is the motion of the gentleman from Lincoln, Mr. MacEachern, that the House accept the Minority "Ought to pass" Report. The Chair will order a Division. If you are in favor of accepting the Minority "Ought to pass" Report you will vote yes; those opposed will vote no.

A vote of the House was taken. 73 having voted in the affirmative and 27 in the negative, the motion did prevail.

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

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

Joint Order Relative to Study of State Tax Structure (H. P. 1555)

Tabled — May 1 by Mr. Drigotas of Auburn

Pending — Passage

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I move the adoption of Joint Order relative to the study of State Tax Structure, House Paper 1555.

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

Mr. AULT: Mr. Speaker and Members of the House: As you might have noticed, on page 13 is another tabled Joint Order relative to the study of the Sales Tax Statute which I introduced. I am willing to withdraw my order when we come to it if I have some assurance from the Chairman of the Taxation Committee or anyone else on that committee that they will meet the intent of my order at the same time.

If my order were adopted, it would state specifically that this legislature believes that the state sales tax contains numerous inequities such as the imposition of the sales tax on some fuel commodities but not on others, and such as the imposition of sales tax on the sale of necessities such as drinking water, etc.

The only problem I have with Mr. Drigotas' order is that his says, "if the need for substantial changes in state or local taxes is eventually agreed upon, then the committee will come out with proposed legislation." I would like to see some indication that we do believe that there are inequities in the sales tax before we adopt his order and if he could just give me the assurance that they are going to do what I wanted to do, I might be satisfied.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I know the intent of the committee and this was a unanimous effort insofar as the study is concerned to solve some of these problems that we are constantly being confronted with.

Each and every year it seems there are more tax exemption problems presented to us, more requests for exemptions, and this particular order was drawn up by our legislative aide after an intensive study and with consultation with the Bureau of Taxation, with the Maine Municipal Association and others, and I think the intent of this is to do this job thoroughly and do it right.

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

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

House Divided Report — Majority (9) "Ought to Pass" — Minority (3) "Ought Not to Pass" — Committee on Election Laws on Bill "An Act to Clarify Provisions of the Election Laws" (H. P. 27) (L. D. 35)

Tabled — May 1 by Mr. Finemore of Bridgewater.

Pending — Motion of Mrs. Boudreau of Portland to accept the Majority "Ought to Pass" Report.

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

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

Bill "An Act to Prevent Hunting in areas Near Dumps in Unorganized Territories and Plantations of the State" (S. P. 205) (L. D. 695) (S. "A" S-102)

Tabled — May 1 by Mr. Finemore of Bridgewater

Pending — Passage to be engrossed.

On motion of Mr. Connors of Franklin,

retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act Relating to Minimum Finance Charges under the Maine Consumer Credit Code" (S. P. 219) (L. D. 718)

Tabled — May 1 by Mr. Finemore of Bridgewater

Pending — Adoption of House Amendment "A" (H-233)

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Some of you may remember that House Amendment "A" was an amendment that I placed on the bill. Since our discussion in the House of last week, the interests groups involved decided to relook at the problem and there is a new amendment, a committee amendment, in the works. I would, consequently, hope that someone would table this for two legislative days.

On motion of Mrs. Clark of Freeport, retabled pending the adoption of House Amendment "A" and specially assigned for Wednesday, May 7.

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

An Act to Amend the Protection and Improvement of Air Statutes. (H. P. 694) (L. D. 881)

Tabled — May 1 by Mr. Palmer of Nobleboro

Pending — Passage to be enacted.

On motion of Mr. Palmer of Nobleboro, retabled pending passage to be enacted and tomorrow assigned.

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

Bill "An Act to Equalize the Retail Price of Alcoholic Beverages throughout the State" (H. P. 403) (L. D. 492)

Tabled — May 1 by Mr. Maxwell of Jay

Pending — Passage to be Engrossed.

Mr. Rolde of York offered House Amendment "A" and moved its adoption. House Amendment "C" (H-232) was read by the Clerk.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is basically to clarify the title of the bill. As you notice, it is called "An Act to Retail the Price of Alcoholic Beverages Throughout the State." The particular approach I am taking in this amendment is to have the uniform retail price that would be set for all liquor prices to equal the lowest price in the state; in other words, to be on a par with the price that is charged at the Kittery Liquor Store.

I was quite surprised the other day in talking to at least one member of the committee who had signed the report on this bill that he felt that was exactly what he had signed. I think the general argument has been, the argument made by the sponsor of the bill, Mr. Quinn from Gorham, that there should be equal prices throughout the state and this is the reason he put the bill in and even though that he felt that to close the Kittery Liquor Store by equalizing the prices upward would cost the state money, he felt that the principal was the most important thing.

So, here is the principal put before you to deal with the problem where many people have felt that the citizens of southern York

County have a very unfair advantage by having the Kittery Liquor Store down there. As I have said before on debate on this matter, we do not want to have a specific advantage, all we do not want to do is go back as we did before the Kittery Liquor Store was built and buy our liquor in New Hampshire. I think the Kittery Liquor Store was put in to cut off that flow of money from Maine people who were buying their liquor in New Hampshire and I think it has worked. We have seen that in the fact that the Portsmouth store is down almost a million dollars in sales.

By equalizing the prices to the lowest price throughout the state, we will, obviously, be having an effect on the Kittery Store, but the people down there don't mind that because we will still be picking up that amount of liquor traffic that went over to New Hampshire and all the summer people who summer down in our area of southern York County who would otherwise buy their liquor in New Hampshire, and even a great many New Hampshire people who come over to stop at the center where the Kittery Liquor Store is located and they also buy their liquor at the Maine store. I hope you will go along with this amendment.

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

Mr. QUINN: Mr. Speaker and Members of the House: This bill was originally passed in here two weeks ago Thursday and under the provision that says a member may hold a bill for 24 hours, my esteemed friend from York asked me if he could hold it for 24 hours because he proposed to put an amendment on it that effectively kill the bill. So, I said sure, I am perfectly willing to argue the bill on its merits. In fact, today parenthetically, I am glad to see that he has come over to my side. I am also very encouraged to see that the people in southern York County, as he said, don't really care about the Kittery Liquor Store, they are just doing this for the good of Maine. He does touch my heart. But, since last Thursday, this has been tabled day after day and I have had prepared a three or four-page speech over which I have labored, done a good deal of work, and each day I would come in here and I would psych myself up, get my speech ready to go, get my adrenalin running and be all ready to pour fourth impassioned oratory to the floor, only to have it tabled again for another day. Gentlemen, I feel sort of like a bridegroom who has been having his wedding postponed every day for a week and a half, I hardly know what to expect today.

The effect of the motion, very simply, since it is late in the day and we don't need any more oratory on the thing is, of course, to kill the bill. Therefore, I urge you to remember that when you vote on the amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: May I address a question to Mr. Rolde through the Chair. House Amendment "B", would that have to accompany House Amendment "C"? Is that the fiscal note which you would attach to the amendment? It says on House Amendment "B" it is estimated that this bill will result in a loss of revenue ranging from \$2.4 million to \$7.0 million, depending upon the direction of price equalization. Would that be the fiscal note which would have to be attached to House Amendment "C"?

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, poses a question through the Chair to the gentleman from York, Mr. Rolde, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: To try and clarify the fiscal implications here, it is my understanding that the bill in its present form, which in other words would effectively close the Kittery Liquor Store, would mean a loss of revenue of approximately \$2.4 million. That has been disputed. The gentleman from Cumberland, Mr. Garsoe, made a statement in the debate the other day that perhaps that revenue would be offset by the fact that licensees would not be able to have such a large discount, would have to buy at the prevailing liquor stores. That is a question that nobody really knows.

The same thing exists with this particular amendment. The figure that is given by the Liquor Commission by reducing all the prices in the state down to the Kittery level is \$7 million. There are others who have said that that would be offset by your increased volume of sales at the local price. I don't know whether a fiscal note has to be added or not. It would seem to me that in any case, whether the bill stands as it is or whether the amendment is offered, it would be up to the Legislative Finance Office to decide whether they would put this bill on the Appropriations Table, and the amendment she speaks of I think has been prepared to be offered by Mr. Kauffman from Kittery. I don't know whether he will offer that or not.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The gentlelady from Waterville raised a good question, and I might say that they will definitely have to put on the other amendment that we are not supposed to talk about if we accept Mr. Rolde's amendment.

I move for indefinite postponement of House Amendment "C", Mr. Speaker, and I would like to speak to that motion.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that House Amendment "C" be indefinitely postponed.

The gentleman from proceed.

Mr. KELLEHER: Mr. Speaker and Members of the House: If you look at the title of the bill that Mr. Quinn put in, it says it is an act to equalize the retail price of alcoholic beverages throughout the state. It doesn't close the store; it simply — and this is exactly what the Maine Liquor Commission is going to do if we adopt this bill, there is a tremendous markup price on liquor in this state, somewhere around 70 to 75 percent, and the equalization that I was fighting for two years ago, and I think Mr. Quinn is fighting for today and is supported well by the House, is that it will give the Maine Liquor Commission an opportunity to roll back that markup price. There is where the equalization is going to be. Our price won't be completely similar to that in New Hampshire but, nevertheless, I suspect that those retailers that are going down and buying from my store, for example, forty or fifty thousand bottles of liquor in Kittery will stay in Bangor and stay in Lewiston and stay in Portland and stay in Houlton and stay in Bar Harbor, and there is somewhat of a little difference in price, but

nevertheless, the traveling and the cost of transferring, the State of Maine will be making more money.

This is a good way to kill this bill. If you want to kill the equalization of liquor in this state, then support Mr. Rolde's amendment and then you will have to accept the one from the other gentleman from Kittery. It will go on the Appropriations Table, and I am sure we all know what is going to happen if it goes there.

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

Mr. QUINN: Mr. Speaker and Members of the House: I hadn't really intended to address the subject of costs, but since I put it up originally as theory and I hadn't but I shall, and I shall use, for just a moment, I shall use the figures used by the gentleman from Kittery and the gentleman from York in our debate two weeks — now listen closely. Kittery did approximately \$6.5 million worth of business in 1974. Of that figure, approximately \$4 million was sold to licensees. Licensees may purchase anywhere in the State of Maine at approximately 10 percent discount. They may purchase at Kittery at approximately a 30 percent discount — the actual figures were seven and a fraction and twenty-seven and a fraction, but for rough figures. So for every dollar sold to a licensee in Kittery, the state loses 20 cents. The licensee could buy this at 10 percent off in Bangor, but when he goes to Kittery, he gets it at 30 percent off. That is 20 percent difference. Four million dollars times 20 percent is \$800,000. So before we start to talk about profit and loss, we have to set this \$800,000 figure of loss from licensees' sales on the board and remember it. That leaves approximately \$2.5 million in business that the Kittery Liquor Store did, not licensees.

Again, by using their figures, they say they make 35 cents on every dollar; 35 percent of \$2.5 million is \$875,000. If you subtract the \$800,000 you just lost, Kittery earns you \$75,000 in 1974, and that is not figuring the cost of bringing the booze to Hallowell and storing it and then putting it in trucks and carrying it back down, or the retirement costs for the employees in the system.

This bill, when it was designed and put in four years ago was a rip-off for the licensees, pure and simple. It lowered the price of booze to the licensees across the State of Maine, and that is one reason it was put in. Whenever you base your legislation on something that is essentially immoral, you end up being in exactly this kind of predicament, and I would urge that this amendment, in particular, be voted against.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: In the last session, we had a bill that would have dealt with the problem of licensees. It would have allowed the licensees to buy at the same price they have at Kittery at any liquor stores throughout the state. That bill was passed, but it died on the Appropriations Table because it would have meant a loss in revenue.

There has got to be, whether my amendment is put on or not, there has got to be some loss of revenue from the bill as it now stands. The gentleman from Bangor is correct in saying that this bill is not aimed at closing the Kittery Liquor Store, but that is exactly what it will do. It will reduce it to the type of liquor store it was

before, where it did maybe \$100,000 worth of business as opposed to \$6 million now. So there will be, no matter what happens, a loss of revenue. And we can argue exactly what it is. The figures I used came from the Liquor Commission. The gentleman from Gorham can dispute them as much as he wants to.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have heard a lot of figures tossed around here this morning. I don't know where they come from, but I disagree with them. In regard to the licensees, it was stated here, I believe last week, that licensees must buy their liquor in the State of Maine. That is true, but under the existing laws of the State of Maine, anybody can go in and buy from \$1 to \$10,000 worth of liquor, and there is not a state seal on any of the bottles. Therefore, any summer licensee who has a hotel could go to New Hampshire, buy his liquor, bring it over and have it on his bar, there is absolutely no way for a liquor inspector to tell where that liquor was bought. The only check that could be made was going to the Bureau of Taxation and checking their sales tax and then going and checking some evening on the volume of liquor taxed. So the State of Maine, if we lose that store in Kittery, is going to lose money from a good number of licensees who have these seasonal bars in York County. I support Mr. Rolde's amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that House Amendment "C" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 67 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

The SPEAKER: The pending question is on passage to be engrossed. The Chair will order a vote. All in favor of this Bill being passed to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken. Whereupon, Mr. Kauffman requested a roll call vote.

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

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

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

Mr. KELLEHER: Mr. Speaker, if Representative Lovell was present in this House this morning, he wouldn't be voting for this bill, so I am going to pair with him.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, wishes to pair with the gentleman from Sanford, Mr. Lovell. If the gentleman from Sanford were present he would be voting against engrossment. If the gentleman from Bangor, Mr. Kelleher were voting, he would be voting for engrossment.

The Chair recognizes the gentleman from Waterville, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, if Mr. Nadeau were here this morning, he would be voting no, and I would like to pair with him and vote yes.

The SPEAKER: The gentleman from

Waterville, Mr. Pierce, pairs with the gentleman from Sanford, Mr. Nadeau. If the gentleman from Sanford were voting, he would be voting no, and the gentleman from Waterville, Mr. Pierce would be voting yes.

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

Mr. ROLDE: Mr. Speaker and Members of the House: I would just like to add one other fiscal bit of information. Apparently there is a 15-year lease that the state has on the building where the Kittery Liquor Store is now, which costs us approximately \$30,000 a year.

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

Mr. QUINN: Mr. Speaker, if that figure is \$24,000, and there is eleven years remaining on the lease, and I suggest we give it to Mr. Ingraham for office space.

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

Mr. JALBERT: Mr. Speaker, this is for engrossment, right?

The SPEAKER: The Chair would answer in the affirmative. The pending question is on passage to be engrossed. A roll call has been ordered. All in favor of this Bill being passed to be engrossed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bennett, Berry, G. W.; Berube, Birt, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Doak, Drigotas, Farnham, Faucher, Fenlason, Finemore, Garsoe, Gauthier, Goodwin, K.; Gray, Greenlaw, Hennessey, Hewes, Higgins, Hinds, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelley, Laffin, LaPointe, Laverty, Leonard, Lewis, Lynch, Mahany, McKernan, Miskavage, Morin, Morton, Mulhern, Najarian, Peakes, Pelosi, Peterson, P.; Post, Powell, Quinn, Raymond, Saunders, Shute, Silverman, Smith, Snowe, Spencer, Sprowl, Stubbs, Tarr, Teague, Theriault, Torrey, Wagner, Winship, The Speaker.

NAY — Albert, Ault, Bagley, Berry, P. P.; Boudreau, Call, Carroll, Connors, Dow, Durgin, Dyer, Farley, Flanagan, Goodwin, H.; Gould, Hall, Henderson, Hughes, Hunter, Hutchings, Kauffman, Kennedy, LeBlanc, MacEachern, MacLeod, Maxwell, McMahan, Mills, Norris, Palmer, Rideout, Rolde, Rollins, Snow, Talbot, Tierney, Tozier, Truman, Twitchell, Tyndale, Walker, Wilfong.

ABSENT — Blodgett, Churchill, Curran, R.; Dudley, Fraser, Hobbins, Immonen, Lewin, Littlefield, Lizotte, Lunt, Mackel, Martin, A.; Martin, R.; McBrairly, Mitchell, Perkins, S.; Perkins, T.; Peterson, T.; Strout, Susi, Usher, Webber.

PAIRED — Kelleher, Lovell, Nadeau, Pierce.

Yes, 81; No, 42, Absent, 23; Paired, 4.

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

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

Mr. FINEMORE: Mr. Speaker, having voted on the prevailing side, I now move we reconsider engrossment of this bill, and I hope you will vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the House reconsider its action whereby this Bill was passed to be engrossed. All in

favor of that motion will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Bill "An Act to Provide for Supervision of Elections by Municipal Clerks" (H. P. 907) (L. D. 1106) (C. "A" H-191)

Tabled — May 1 by Mr. Shute of Stockton Springs

Pending — Passage to be Engrossed.

On motion of Mr. Dam of Skowhegan, retabled pending passage to be engrossed and tomorrow assigned.

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

Joint Order — Relative to Study of Sales Tax Statute (H. P. 1543)

Tabled — May 1 by Mr. Finemore Bridgewater.

Pending — Passage.

Thereupon, Mr. Ault of Wayne withdrew his Joint Order.

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

Bill "An Act Concerning the Possession of Firearms during the Open Season on Deer" (H. P. 1549) (L. D. 1866) (H. "A" H-216)

Tabled — May 1 by Mr. MacEachern of Lincoln.

Pending — Motion of Mr. MacEachern of Lincoln to indefinitely postpone.

Thereupon, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

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

Bill "An Act Concerning the Power of the Lewiston Parking District to Mortgage Certain Properties and Permitting the Taxation of Real Property of the District Which is Not Used for Parking" (S. P. 498) (L. D. 1845)

Tabled — May 1 by Mr. Dam of Skowhegan.

Pending — Motion of Mr. Carey of Waterville to reconsider passage to be engrossed.

On motion of Mr. Rolde of York, retabled pending the motion of Mr. Carey of Waterville to reconsider passage to be engrossed and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to Pass" as Amended by Committee Amendment "A" (H-230) — Minority (4) "Ought Not to Pass" — Committee on Election Laws — on Bill "An Act Concerning Candidates for Public Office Who are Running as Independents" (H. P. 953) (L. D. 1192)

Tabled — May 2 by Mr. Faucher of Solon.

Pending — Motion of Mr. DeVane of Ellsworth to indefinitely postpone.

On motion of Mrs. Najarian of Portland, retabled pending the motion of Mr. DeVane of Ellsworth to indefinitely postpone and specially assigned for Wednesday, May 7.

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

Bill "An Act Relating to the Filing Requirements for Perfecting a Security

Interest in Mobile Homes under the Uniform Commercial Code," (S. P. 297) (L. D. 1023)

Tabled — By Mr. Rolde of York.

Pending — Acceptance of the Conference Committee Report.

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

Mr. DAM: Mr. Speaker and Members of the House: I apologize for being up back when this came up. This Committee of Conference Report is under filing number S-111, and what it does is to allow the mobile home to be, the UCC to be filed in the municipality where the mobile home is going to be. This is where the debtor is going to put the mobile home. What this does, it retains the filing and makes it uniform throughout the state and retains the filing at the municipal level. It also clarifies the section of Title 10, 1402, as to the filing requirements.

Thereupon, the Report was accepted in concurrence.

The House voted to recede from its action whereby the Bill was indefinitely postponed. Conference Committee Amendment "A" (S-111) was read by the Clerk and adopted in concurrence, and the Bill passed to be engrossed as amended and sent to the Senate.

Mr. Birt of East Millinocket was granted unanimous consent to address the House.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Last Friday on the way home, I caught just part of an interview with the Chairman of the Committee on Education, Senator Katz. The comment which I understood him to say was that the opponents of L.D. 1994 and its revision, L.D. 1452, had never indicated they were willing to fund more than 33 percent of the cost of education from the state level.

Suggestions have been made as to how we should proceed in funding education but many legislators, and I am one, feel that we are not being heard. The statement that the opponents of 1994 are not willing to fund more than 33 percent of the cost of education from the state level would indicate that this could be true.

I do hear in the corridors that with the municipalities of the state over a month beyond the normal date for developing their commitments to operate their towns, there is not even now a clear direction as to how we should go in funding education. The decision of the Supreme Court last week in finding a section of L. D. 1452 unconstitutional makes that direction more unclear, if there was any clear direction before that decision.

Several of the large newspapers of the State have recommended that L. D. 1994 be repealed. A notification has been filed with the Secretary of State that a petition is to be circulated to the citizens of the state requesting them to sign it to allow the voters of the state to decide whether this law should be repealed.

With these recommendations and actions being considered, it is very apparent that an immediate review of all alternatives should be considered. We have about two full weeks to come up with a workable solution or we will be again faced with passing another resolve to extend the commitment date to a third 30 days, something never before having been done in the State's history.

During the 1960's the school subsidy was determined by using a base figure times the number of students, K-12 in the state, and adjusting the subsidy to the individual

towns and cities based on valuation per student. This figure went from \$225 to \$255 and later to \$290, trying to maintain a goal of about 25 percent state funding. This was doing a fair job of determining how much the state should contribute to the cost of education. However, the costs in local units was going up at a faster rate and a need to increase the state's share was apparent.

This problem became the basis for a news article, which I happen to run across, whereby a former chairman of the Education Committee stated that he felt the ultimate goal should be for the state to pay 40 percent of the cost of education, with the state and federal governments to divide the balance equally.

I discussed this 40 percent figure with the present Deputy Commissioner and the possibility of developing a formula whereby the state's share would be written into law as a set percentage figure, which figure could be adjusted upward or downward when the Legislature deemed it proper. This discussion became the basis for the law which passed in 1969 establishing at that time a figure of 33 percent as the state's share, about a ten percent increase in the state's share from 1967.

During the fall of 1972, in a conversation with the same person, I discussed the possibility of increasing the percentage to a higher figure, possibly 40 percent. He indicated that the formula could be easily adjusted by changing the one third to 40 percent in a couple of places in the law. Unfortunately, this approach was not followed. Instead, an extensive selling job was undertaken to sell a program which has become the present law. The reason behind this selling job was that a few small communities, notably Jay, Balleyville, East Millinocket, Bucksport, Veazie, and Wiscasset were tax havens for large industries, either paper companies or electrical generating stations.

I would like to read into the record an article that was in the paper on Wednesday, July 12, 1972. "A wealthiest school unit in Maine, for example, is Elliottsville Plantation, between Greenville and Monson in Piscataquis County. The town has one pupil, Mark Drew, seven, who was boarded in Monson during the school season, and the state property valuation of \$900,000. The cost of educating Mark Drew cost Elliottsville taxpayers just slightly over one mill, or one dollar per thousand on their poorest valuation.

"The poorest school district in Maine is Limestone, which has 2,929 students. On Mark Drew's education, we are financing \$900,000 per pupil tax base. Limestone students are backed by only 1,833 pupils in tax valuation. Elliottsville spent \$1,081 to board and educate Mark Drew during the 1970-71 school year. Limestone school officials, on the other hand, were able to spend only \$480 for the average student, in that Aroostook County Community. The fact that Mark Drew's education is costing twice that of the Limestone pupil does not necessarily mean that the Elliottsville youth is getting better schooling. As a matter of fact, he dropped out of classes in Monson after Christmas, according to town officials.

"There is a declared correlation between the wealth of the communities tax base and the amount of tax money it spends for its schools. According to Gordon, the wealthiest school districts are spending an average of \$995 per pupil, while the 14 poorest districts spent only \$540. The richer districts pay their

teachers an average of \$1,100 more per year than the 14 poorer school districts and require their teachers to teach 20 percent less pupils per classroom."

It is my feeling that these are not viable statistics but are good examples of how the people and the press of the state were led down a primrose path. And if you want to take just a look at it where it indicated that in Limestone's case particularly, they had to spend — some of the other towns in which they indicated that they were spending large amounts of money, some of them were receiving more in subsidy than was indicated that they were actually spending, according to this article.

Fortunately, or unfortunately, depending on viewpoint, other factors such as a large surplus which was available in 1973, along with this selling job, presented a favorable opportunity for the passage of L.D. 1994, a concept which had been kept warm on a back burner for about ten years until the right time presented itself. And I first became aware of the attempt to consider this in 1964.

It is unfortunate that the old law, which contained an excellent formula for determining school subsidy and in many cases is highly equitable, was never weighted against 1994, based on similar percentages of state funding, to determine just how good a job it was doing. It may have had one small weakness, in that the use of a grandfather clause kept some of the wealthy communities receiving a somewhat higher subsidy than they were entitled to. However, this could have been corrected easily. The previous law does do the things which have become the major objections to 1994. It maintains the control of education at the local level by paying a subsidy directly to the local communities, which is where it belongs. Also it does not require an overpayment. It is my firm belief that as long as one community in the State of Maine has to make a contribution to the cost of education, this community and its inhabitants will resent this. Paying subsidy on an equitable basis, with poor communities receiving a greater share and funded from the General Fund and paid for with broad-based taxes collected at the state level is fair and equitable, but the use of property taxes collected and shared will not ever be found to be acceptable by citizens who have to pay in to support others who do not have to.

If this system is to be considered to be acceptable for funding of education, why then is it not acceptable to do the same for police protection, and there is a consideration presently being given to set up police districts, fire protection, rubbish removal, recreation programs, and numerous other programs which are considered to be local problems. This was a point in the Rodriguez decision which struck down the system of funding education in Texas, that education was not a prime function of the tax dollar any more than were the others mentioned.

My personal recommendation to the Committee on Education this morning would be for the committee to consider reporting out a bill to fund education, at whatever percent available funding would allow, based on a formula similar to the previous law, and repeal the provisions of L.D. 1994. This bill would require consideration of several provisions of the report which was developed last summer by the committee appointed to study this law. I refer particularly to such areas as construction aid, grandfathering in the few cases which were authorized by the

Department under L.D. 1994, doing something with transportation for communities which have to bus students on a fairly equitable basis based on similar valuation.

I am completely convinced that any other approach will still leave a great deal of bitterness in many communities. The bill reported out should leave a very small subsidy in the more wealthy communities, possibly going from two percent to 85 percent as a subsidy spread. These so-called wealthy communities are also carrying a good share of the taxes in the General Fund as they are generally communities with a much higher pay scale. This would be consistent with what I believe is the language in the Maine Constitution which says that it is the duty of the Legislature to see that the local communities will require development of suitable educational programs at their own expense.

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

Mr. ROLDE: Mr. Speaker, is the House in possession of Senate Paper 189, L.D. 662?

The SPEAKER: The Chair would answer in the affirmative. An Act Creating the Dickey-Lincoln Power Authority, Senate Paper 189, L.D. 662, is in the possession of the House.

Mr. ROLDE: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby this Bill was passed to be enacted, and I hope you all vote against me.

The SPEAKER: The gentleman from York, Mr. Rolde, moves that the House reconsider its action whereby this Bill was passed to be enacted. All in favor of that motion will say yes; those opposed will say no.

Thereupon, Mr. Kelleher of Bangor requested a roll call vote.

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

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

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

Mr. CONNOLLY: Mr. Speaker, a parliamentary inquiry. As I recall it, last week or the previous week we had a bill under bills held in a similar situation and the individual who held the bill, another individual got up and made a motion to reconsider, and you ruled at that point that the only one that could get up and make such a motion would be the person that held the bill.

The SPEAKER: The Chair would advise the gentleman that the rules specify, and that is what he held at that time, is that when a member is present and he is the one who held the bill, the rules specify that it be customary nature that the person who held is the one who makes the motion to reconsider. However, if the person is not in a position to do so, as the Speaker obviously is not, or any other member, then any other member can move to reconsider, and the rules are very clear on that issue.

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

Mr. KELLEHER: Mr. Speaker, if I understood what you said correctly, and I

was the member in question who asked if the House was in possession of it, and the gentleman who asked to have the bill heard was present in his seat, what if he then failed to ask to have it reconsidered? What would be—

The SPEAKER: Under the rules, if the gentleman were present in his seat and he did not stand to so reconsider, any other member, under the rules, would be allowed to do so.

The SPEAKER: The pending question is on the motion of the gentleman from York, Mr. Rolde, that the House reconsider its action whereby L.D. 662 was passed to be enacted. If you are in favor of reconsideration you will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Bachrach, Berry, G. W.; Birt, Bowie, Burns, Byers, Connors, Connolly, Curtis, Davies, Doak, Dow, Durgin, Farnham, Gray, Henderson, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Ingegneri, Jensen, Kelleher, LaPointe, Lewis, Littlefield, Lynch, MacLeod, McKernan, McMahon, Morton, Palmer, Peterson, T.; Post, Shute, Snow, Snowe, Sprowl, Stubbs, Talbot, Tarr, Tierney, Torrey, Walker.

NAYS: Albert, Bagley, Berry, P.P.; Berube, Boudreau, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Cooney, Cox, Dam, DeVane, Drigotas, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Hennessey, Hughes, Jacques, Joyce, Kany, Kauffman, Kennedy, Laffin, Laverty, LeBlanc, Leonard, MacEachern, Mahany, Maxwell, Morin, Mulkern, Najarian, Norris, Peakes, Peterson, P.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Silverman, Smith, Spencer, Teague, Theriault, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

ABSENT: Bennett, Blodgett, Cote, Curran, P.; Curran, R.; Dudley, Fraser, Hobbins, Kelley, Lewin, Lizotte, Lovell, Lunt, Mackel, Martin, A.; McBrearty, Mills, Miskavage, Mitchell, Nadeau, Pelosi, Perkins, S.; Perkins, T.; Rollins, Strout, Susi, Webber.

Yes, 48; No, 74; Absent, 28.

The SPEAKER: Forty-eight having voted in the affirmative and seventy-four in the negative, with twenty-eight being absent, the motion does not prevail.

(Off Record Remarks)

On motion of Mr. Rolde of York,
Adjourned until nine o'clock tomorrow morning.