

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

Wednesday, May 7, 1975

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

Prayer by the Rev. Robert E. Andrews of Milbridge.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication:

May 6, 1975

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

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Relating to Sales Tax Interest and Penalties" (H. P. 1550) (L. D. 1867):

Senators:

JACKSON of Cumberland
MARCOTTE of York
DANTON of York

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Reports of Committees

Ought to Pass

Amended in Senate

Report of the Committee on State Government reporting "Ought to Pass" on Bill "An Act to Provide for the Appointment of Deputy District Attorneys" (S. P. 321) (L. D. 1098)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-120)

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

Ought to Pass

Report of the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act Concerning the Fee for a First-time Real Estate Broker's License" (S. P. 404) (L. D. 1289)

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

In the House, the Report was read and accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Relating to Motor Vehicle Excise Tax" (S. P. 293) (L. D. 1018)

Report was signed by the following members:

Mr. MERRILL of Cumberland
— of the Senate.
Messrs. DRIGOTAS of Auburn
TWITCHELL of Norway
SUSI of Pittsfield
IMMONEN of West Paris
DAM of Skowhegan
COX of Brewer
MULKERN of Portland
— of the House.

Minority Report of the same Committee

reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. JACKSON of Cumberland
WYMAN of Washington
— of the Senate.
Messrs. MORTON of Farmington
MAXWELL of Jay
FINEMORE of Bridgewater
— of the House.

Came from the Senate with the Bill and accompanying papers indefinitely postponed.

In the House: Reports were read.

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

Mr. DRIGOTAS: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would ask the Chairman of the Taxation Committee if in fact this isn't the bill that we have been waiting for which would allow municipalities to tax for the excise tax, and if it is, why was the bill so bad? What was found out in committee?

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: It has long been established that the tax was collected this way, and actually it would require quite a change in the fiscal setup, collection methods to do it. This is the main objection to it that I know of.

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

MR. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to fight for or against this bill, but the gentleman from Waterville, Mr. Carey, asked a question and I believe it is a good, just question.

It has always been very unfair the way the excise tax was treated, because any corporation could pay their excise tax wherever their home office is. Not so much in my town, I am not speaking for my town, if we take Ashland and Sheridan, for instance, up in Aroostook County, where the Great Northern Paper Company for a great many years kept a considerable amount of trucks, probably 50, 75, maybe 100 trucks, and at that time, the Town of Ashland, they furnished all the services for these. They plowed the roads, they sanded them, they did everything for them that was possible. Of course, the Great Northern in turn gave them a lot of labor, I am going to admit that, but at the same time, the tax was paid in the Town of Millinocket, and I think this is a very unfair way to do it.

Later on, I understand the Great Northern did come through and pay Sheridan some of the taxes, or Ashland, I am bound to mix those two towns up, they are both within one township anyway, but we felt — I don't like to speak for the other members who signed the "ought to pass" report, but we find that a lot of towns — one town along the coast, I can't remember which one, whether it was Scarborough or what, one down there where they house a lot of vehicles and they are not getting a thing for their services. We have got them all throughout the state.

One of the biggest corporations in the state, an independent corporation I would say, almost, is Cianbro. They are a very fine company, very fine people, and maybe if this did pass they might possibly

pay into some of the towns. They have quite a few different places now like Presque Isle, Pittsfield and several more, I can't name them all off, where they have equipment, a real amount of equipment. This is excise tax only. This isn't personal property tax, because personal property tax goes back to the place of the residence of the corporation.

I hope I have answered Mr. Carey's question. I think it is a good bill, but at the same time I am not going to oppose the "ought not to pass," because I notice the other has already moved to indefinitely postpone, and I think we would be trying to keep a dead horse alive, which is not what we are trying to do this morning.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Since my town was taken in vain, I believe I should rise to oppose the motion to accept the majority "ought not to pass" report. I feel this bill is a fair bill. If you assume that the purpose of the excise tax is in lieu of property taxes and also somewhat of a user fee for maintaining the roads of the municipalities, the same as any other motor vehicle such as a car, it seems only fair that municipalities in which those vehicles are housed receive compensation.

Let there be no mistake about the fact that the town which I represent would be quite favorably affected by the passage of this legislation, but I also believe that every other town or city, except a dozen or so, perhaps, would either feel no impact at all or would be favorably affected.

I might add that as larger corporations buy out smaller ones, this present law continues to progressively hurt more towns and more cities throughout the state, and I think it is time for this progression to stop.

I have tried to think of an analogy, an analogy comparing the present law concerning domestic corporate excise taxes and those of individuals and their own motor vehicles. The best one I could come up with, though it is not strictly analogous is this: Suppose we required that any individual's excise taxes be paid in the town or city where he or she were born, if they were a native of Maine, instead of where they presently resided and garaged their car. I think everyone else here would agree that that is just not fair. Municipalities with hospitals would love us, but the suburbs and places of rapid population migration would abhor us, and rightfully so. Yet, this is just what is being done today with domestic corporate excise taxes.

It seems to me that if corporations house their vehicles in a particular municipality, destroy that municipality's road system and the citizens of the municipality are forced to live with the noise and confusion of those vehicles, I think it only fair that they be justly compensated, rather than some municipality which may never see that vehicle, have it on their roads, or for that matter, it may never get within a hundred miles of the corporate headquarters.

I would be the first to agree that the bill, as it is presently written, may not be the best bill, but we do have a situation of double system of taxation. In other words, personal excise taxes are now paid in the town where you reside. Foreign corporations, that is corporations that are incorporated outside of the State of Maine, pay their excise taxes in the town where

they house the vehicles or if they say they are not customarily housed somewhere, then they pay their excise taxes to the state. However, a domestic corporation has the ability to pay his taxes to the town where they are incorporated, and to me that doesn't seem fair, it is a double standard. All I am asking is that the corporations pay their excise taxes in the town where they house the vehicle. It seems only fair.

There are some problems with this bill, problems in the construction companies. I would be the first to admit that, I am in that business. I understand what the problem is, and that is backhoes, bulldozers and vehicles that are used within the right-of-way of a road system are excised. They have to be excised and they have to have plates on them just like you do a car. So that is a problem, and that is one of the reasons why this bill was killed in the Senate — excuse me, in the other body.

I think that the bill could be amended to exempt vehicles that were used on construction sites, where one might argue that they are customarily housed there for more than maybe six months, by incorporating into the bill an amendment that would read something to the effect that the excise tax shall be paid in the place where the motor vehicle is customarily kept, providing that place is a permanent place of business. In other words, if the corporation has a branch office in that town or city, then they should pay the excise tax there. That would alleviate a good many problems with the construction corporation that happens to be working on a job, perhaps their corporate headquarters is Portland, or Pittsfield for that matter, and they had a job in Scarborough and they were there for six months or a year and Scarborough might argue that they are customarily housed there. If the amendment was put in, a permanent place of business, then that would alleviate that situation for that one year, and then, of course, the vehicles would be moved back to Pittsfield or to another job and in that case that particular corporation could argue that they are not customarily housed in Scarborough or any other job, and they could be paid to Pittsfield just as they are now.

I think it is a fair bill, and I would hate to see it killed as quickly as it was killed in the other body. I would hope that you would defeat the motion to accept the majority "ought not to pass" and then afterwards hopefully accept the minority "ought to pass" report.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bridgewater, Mr. Finemore, has mentioned the effect up in his area with Great Northern Paper and their trucks, and the gentleman from Scarborough, Mr. Higgins, in private conversations, has indicated to me that principally in Scarborough it is the common carriers that have trucks in his community where the problem is, that they would like to collect some of this excise tax to help defray their expenses down there.

I don't have any knowledge or experience in those areas that these gentlemen have covered, but I have had some personal experience and the effect of this legislation, as I contemplate it, on the construction industry, and I don't know how else to explain other than to recount to you my experience.

Some of you served with a fellow by the name of Herbie Hanson, who was a member of the House here, and after he left the legislature, he became a professional assessor, and the first town that he contracted with was Pittsfield, which is my home town, and Herbie is a very conscientious, diligent sort of gentleman, you might say he is a bulldog — once he gets started on a project there is no letting up. When he first landed in there, into this town, which has several medium to large contractors in the town, he took a look and said, you fellows aren't paying anywhere near enough what you should be paying in excise tax and this is obviously the truth. They were paying, I don't know, maybe 10 to 20 percent of what the excise tax should be and the excise tax on some of this equipment runs into a considerable amount of money. So, Herb made the declaration that from henceforth and forever more, they were going to pay excise taxes and they were going to pay them commensurate with other taxpayers. The people in the industry there agreed with him, providing that he could pin-the-tail on the rest of the donkeys, namely the rest of the construction industry, that none of the construction industry was paying any excise taxes and that in order to remain competitive, they couldn't be separated out.

Herbie went to work on it and over a long period, over a couple of years or so, working through the State department, he prevailed and we entered into a period when construction equipment is actually paying excise taxes now and paying commensurate with other people.

Now, why is it something different from the fellow who has a 1971 Chevrolet four door Impala — it is so easy to determine what the tax is on that 1971 Chevy but this construction equipment comes in all sizes, shapes and values and what was happening prior to this revolution in the excise applications was that companies were taking on a little town and saying, in effect, look, we will half support you and we won't add any increased burden to your school system. There will be very little additional cost to you and all you have to do is sign the papers for us. Practically, every major contractor in this state was hooked up with a small town where this deal prevailed. If we had all professional assessors, there would be no such opportunity, but if we revert to the system where equipment will be taxed where customarily housed, then it isn't unusual for a construction outfit to go in and stay for a year or two in one location. They develop housing, repair facilities there, they have equipment there and if it happens to be, as it sometimes is in a town with 100 or 200 people that has a total budget of \$20,000 or \$30,000, they would be happy to pay the whole budget for that town — well, they don't have to, they can pay one-quarter, one-half and it is a great bonanza for that town. They don't have professional assessors. The town fathers who implement this deal are looked on by local citizenry as heroes of the day, inasmuch as they are bringing in several thousands of dollars with no additional cost. This is the sort of thing you will be opening up in the construction industry if you go to this warehouse provision.

Soon we will be right back to the old thing and I don't want to see it and I am sure that the industry doesn't. You see, the industry doesn't really pay these costs anymore than others, so long as they are all on a competitive basis, it is mainly government. It is the municipalities or the

state or the federal government that they do most of their work for and this cost is passed right through in the cost of their contracts and they are perfectly willing to pay so long as their competitors pay and because it is a small state up here and there only very few major contractors, they all check with each other to make sure that each is paying competitive costs and if anyone gets out of line, they have to get competitive or go out of business. So, this is the sort of situation we will be developing. I know this is a long explanation, if I had known any way to shorten it up, I would have.

I hope you support the "ought not to pass" from the standpoint of what it would do in this particular situation.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: A parliamentary inquiry? On this piece of legislation, if we defeated the pending motion and accepted the minority "ought to pass" report, would it then be in a position before we send it down to the other body to amend it at such time?

The SPEAKER: The Chair would answer in the affirmative.

Mr. FARLEY: Then, I would defeat the motion on the floor and go along with the gentleman from Scarborough, Mr. Higgins, and accept the minority "ought to pass" report.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: If I might rebut a little bit of what Mr. Susi has said — the idea that corporations would try to make deals with small towns, while I suppose it is not highly improbable, it certainly is against the law. In any town where it was found that they had done that, I assume they would be penalized somewhere along the line.

The excise tax is something that is set throughout the state and while, granted, these pieces of equipment, perhaps, are subject to negotiations because a lot of people just don't know — if deals were made, certainly it would be some sort of a crime. I don't think that we should base our decisions on the dishonesty of the people of the State of Maine. If we did that, we should throw out the whole income tax system because everybody is supposed to cheat on that. I don't think we can assume that anybody is going to make a deal or cheat. If we do that, we couldn't make enough laws in this body to keep everybody honest.

What I am trying to do is accept the minority report so it could be amended to remove that problem which he is talking about, where a construction company is working on a job, maybe he is there is year, but those vehicles are not customarily housed there in a permanent place of business. You can argue about whether if a structure has piers in the ground or whether it is permanent or not but I am talking a place where they have a branch office and they have trucks that are housed there. They are there year-round and they are going to be there for another 10 years or 20 years or however long that corporation is in business. I think it only fair that those corporations pay those taxes if they have a place of employment, a permanent place of business, that they pay those taxes in that municipality. It is not a city vs. town thing.

There are a lot of cities, such as South Portland, I think, that would benefit by this. We have checked with South Portland and I think they would benefit from that bill. So, it is not cities vs. towns. I guess you could call it the "haves vs. have nots" and I would hope that you would defeat this motion of accepting the majority report.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to strongly support the position of the gentleman from Scarborough, Mr. Higgins, in this matter. I think he is absolutely right. In my own hometown we have a permanent construction activity relating to the gravel pit of a firm that has been there for decades, which continues to be there, which has a large number of permanently housed vehicles, trucks and other equipment in the town of Orono and I can appreciate the opposition of the gentleman from Pittsfield, Mr. Susi, because we are exporting our excise tax from our town to his town where the home office of this firm is.

I think it is only fair that perhaps with an amendment, if it be necessary to take care of the problem of temporary construction activities, that we adjust this and do in fact return a portion of the excise tax to the municipalities in which these vehicles are permanently housed and which the town is maintaining support services and contributing in this way.

I hope you will support the minority "ought to pass" report.

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

Mr. DAVIES: Mr. Speaker, I request a division when the vote is taken.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Drigotas, that the House accept the Majority "Ought not to pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 23 having voted in the affirmative and 99 in the negative, the motion did not prevail.

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

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: When I was chosen to do the honors that I will talk about on this day, it pleased me for more than one reason.

Today is the day that we speak of Mary Ginn Worthley, who started out on the right track by going to Bates College in Lewiston — teacher, humanitarian, authoress.

When I was told of this some two weeks ago, I started that very day to make notes. I made more notes, tore them up, made more notes and tore those up. I am a bad reader anyway, so I very rarely write any comments down. I think probably one on this day speaking of such a person would really settle for speaking from his heart.

I have known Miss Worthley, as I have always called her, for many moons. I have known her long enough that I can well remember her taking me aside when I was in my first years as a member and talking to me, yes, as a matter of fact, chastising me on one or two occasions and certainly for my own good.

This young lady, and she is not ashamed of heritage or afraid to tell it, born in 1901, actually today, believe it or not, is serving

on a dozen or more boards or commissions, not one of them of a paying nature. In blizzards, in good weather, in rain and in snowstorms, she has driven from West Lebanon, for the other end of the state, merely by getting a phone call or a request to go help somebody. When one would speak of a magnificent young lady, one would immediately have to think of Mary Ginn Worthley.

Mr. Speaker, if I may read and present and ask the Sergeant-at-Arms to ask you humbly to have Mary Ginn Worthley with you so you can present this plaque, I would like to read it because it is very descriptive, and on this day, as a matter of fact, very appropriate.

"The people of Maine recognize and appreciate the dedication and hours and, I would add years, of voluntary services given by Mary G. Worthley in manifestation of her devotion, we declare Wednesday, May 7, 1975, Mary G. Worthley Day." Signed: James B. Longley, Governor of Maine; The Honorable John L. Martin, Speaker of the Maine House; Senator Joseph Sewall, President of the Maine Senate, and at the bottom, Louis Jalbert, acting as some sort of Master of Ceremonies for this event. If I may present this placque?

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort Mary G. Worthley to the rostrum and would the gentleman from Lewiston, Mr. Jalbert, escort her also? (Applause, members rising).

MARY G. WORTHLEY: It is very heartwarming for me to have people to care and to give me this lovely day and I appreciate it more than I can say.

I will say something about humanitarian services and they have come through two eras here in the State of Maine and I was very fortunate in that I was in the first one. They were started back in the mid 40's by volunteers and volunteer groups, who got them started and got them going and from the mid 40's to the mid 60's was the day of the volunteer and the day of the volunteer group. So, you can see that I was fortunate to have been born so that I happened to be in that time.

In the mid 60's, the government came in and said, more needs to be done than States are able to do so we are going to help you with guidelines and money, but you must make up a plan that goes with the guidelines, you must regionalize the states and you must set up an advisory board and the whole scenario changed and a great many younger men would not realize it in the days when the early humanitarian services started.

They were started first by Elizabeth Levanson and Dr. Bowman for the retarded. Then came the mentally ill, then came the homemakers, then came teachers, then came the aging, all of these followed one after the other and I have had some part, being very fortunate to have some part, in all of them and it really has been a wonderful life and Maine has given me wonderful attention, but the people who have supported me the most and given me the most caring support all the way through have been the Legislators and I have said this every time that I have spoken anywhere. I told a deep feeling in my heart for the legislators and the legislature.

You know, the old war horse, they say, comes back to legislature like the smell of gunpowder and I love to tramp these halls myself.

I thank whoever presents this from the

people of Maine from the bottom of my heart and this is a great day for me, and I thank Mr. Louis Jalbert for his concern, the Speaker, and everybody else. Thank you.

Thereupon, the Sergeant-at-Arms escorted Mary G. Worthley, from the Hall of the House amid applause, the members rising.

Non-Concurrent Matter

Bill, "An Act to Equalize the Retail Price of Alcoholic Beverages Throughout the State" (H. P. 403) (L. D. 492) on which the Minority "Ought to Pass" Report of the Committee on Liquor Control was read and accepted and the Bill passed to be engrossed in the House on May 5.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Liquor Control accepted in non-concurrence.

In the House:

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

Mr. QUINN: Mr. Speaker, may I ask parliamentary advice?

The SPEAKER: The gentleman may pose the inquiry.

Mr. QUINN: This bill was passed by this House day before yesterday and sent to the Senate and the Senate simply accepted the "Ought Not to Pass" report under the hammer without discussion. What would the effect be of our four available motions in order, please?

The SPEAKER: If the gentleman wishes to get the bill back to the other body, the motion he would want to make is the motion to insist.

Mr. QUINN: Mr. Speaker, I move we insist.

The SPEAKER: The gentleman from Gorham, Mr. Quinn moves that the House insist.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I move we recede and concur.

The SPEAKER: The gentleman from Kittery, Mr. Kauffman moves that we recede and concur.

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

Mr. QUINN: Mr. Speaker and Members of the House: I would urge you to vote against the motion to recede and concur. If we do vote against it, I will then resubmit my motion to insist and we can then vote on the motion to insist and send it back to the Senate. I don't object to losing bills but I do think the Senate could have done us the courtesy of at least stopping to read it; they didn't just have to hit the hammer and let it die.

The SPEAKER: The pending question before the House is the motion of the gentleman from Kittery, Mr. Kauffman that the House recede and concur. The Chair will order a division. If you are in favor of the motion to recede and concur, you will vote yes. If you are opposed, you will vote no.

A vote of the House was taken. Thereupon, Mr. Nadeau of Sanford requested a roll call.

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 in favor of a roll call vote will vote yes; those opposed will vote no.

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

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

ROLL CALL

YEA — Ault, Bagley, Berry, P. P.; Boudreau, Call, Conners, Cooney, DeVane, Dow, Durgin, Dyer, Farley, Flanagan, Fraser, Goodwin, H.; Gould, Gray, Hall, Hobbins, Hughes, Hunter, Immonen, Joyce, Kauffman, Kelley, Kennedy, Laverty, Lewin, Lewis, Lizotte, Lovell, MacEachern, Mackel, MacLeod, Maxwell, McBreairty, McMahon, Nadeau, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Rideout, Rolde, Rollins, Silverman, Snow, Tierney, Truman, Twitchell, Tyndale, Usher, Walker, Webber, Wilfong.

NAY — Albert, Bachrach, Bennett, Berry, G. W.; Berube, Birt, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Cote, Cox, Curran, P.; Curtis, Davies, Doak, Drigotas, Farnham, Fenlason, Finemore, Garsoe, Gauthier, Goodwin, K.; Greenlaw, Henderson, Hennessey, Hewes, Higgins, Hinds, Hutchings, Ingegneri, Jackson, Jalbert, Jensen, Kany, Kelleher, Laffin, LaPointe, Leonard, Lunt, Lynch, Mahany, Martin, A.; Martin, R.; McKernan, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Najarian, Pelosi, Pierce, Post, Powell, Quinn, Saunders, Shute, Smith, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Wagner, Winship, The Speaker.

ABSENT — Blodgett, Carroll, Connolly, Curran, R.; Dam, Dudley, Faucher, Jacques, LeBlanc, Littlefield, Peakes, Raymond.

Yes, 57; No, 81; Absent, 12.

The SPEAKER: Fifty-seven having voted in the affirmative and eighty-one in the negative, with twelve being absent, the motion does not prevail.

Thereupon, on motion of Mr. Quinn of Gorham, the House voted to insist.

Non-Concurrent Matter

Bill "An Act Relating to Amount of Annual Excise Tax on Railroads" (H. P. 1494) (L. D. 1740) which was passed to be engrossed as amended by House Amendment "D" (H-177) and House Amendment "C" (H-166) thereto in the House on April 22.

Came from the Senate passed to be engrossed as amended by House Amendment "D" (H-177) in non-concurrence.

In the House:

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

Mr. MAXWELL: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Jay, Mr. Maxwell, moves that the House recede and concur.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am sure you will recognize this L. D., L. D. 1740, which was debated very carefully here in the House and a great deal of significant information was passed on to you. The other body has seen fit to remove Amendment "C" which we put on the bill in this body, and so the bill is now in exactly the position that the railroads want it to be in, with a minor exception, possibly, that they are not going to have this privilege from now 'til eternity; they

are going to have it for only two years in deference to Amendment "D".

Now the amendment was removed, it did not work any hardship on the railroads, and all it did was to recognize that the minimum excise tax should be at the same level it was from 1965 through as late as 1971. Certainly this is a reasonable position in this day when we are running into a deficit, when fees have been increased in the Governor's budget for the little fellow who hauls the trailer when we are contemplating measures to increase other taxes, even though they may not be major taxes, all of which will fall on the broad spectrum of Maine people.

Now with this bill as it is, as it is presently before us this morning, we have conceded the railroads their method of bookkeeping and with Amendment "C" we attempted to recover for the people of Maine, not all, but nearly all the money that would have been lost and it spreads it equitably among all the railroads.

So this morning, ladies and gentlemen of the House, I urge you to take a responsible action. Let's defeat this motion to recede and concur and move to a motion to insist and ask for a committee of conference, to attempt to reach some accommodation with the other body so that the people of Maine will realize that all of the burden will not again fall on their unwilling shoulders.

This bill as it now stands puts \$619,000 in the hands of the Maine Central Railroad stockholders, a large percentage of which is in the hands of one man; and the State will collect \$160,820 from all the railroads on the excise tax for the year of 1974.

Amendment "C" would have only brought in \$643,280. A committee of conference seems like a reasonable approach to the difference of \$482,460 that the taxpayers of Maine are going to be asked to absorb. Perhaps we can make an accommodation. Perhaps part of this can be recovered for Maine's people. I urge you this morning to defeat this motion to recede and concur so that we can move to a motion to insist and ask for a committee of conference and when the vote is taken, Mr. Speaker, I ask for the yeas and nays.

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 Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you would vote against the recede and concur so that we can go to the committee of conference and try to recover some small bit of what we would be losing under the bill in its present form. I just feel that it would be making a mistake to, at this session, be considering such regressive taxation as putting more load back on property taxes, considering taxes on cigarettes and beer that hit the guy with the dinner pail and, at the same time, supporting legislation like this which would involve six hundred and some odd thousand dollars going to, a high percentage to a single person. I hope that you vote against the recede and concur and will vote for a committee of conference.

The SPEAKER: The Chair recognizes

the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I hope this morning you will go along with the recede and concur because we have the only two railroads in New England and possibly two of the very few in the United States which aren't receiving federal subsidy. If we in the State of Maine can keep some twenty two or twenty three hundred employees employed by helping out a little railroad at this time with this small amount, I don't think we are overdoing it. The gentleman from Pittsfield, I don't think he intended to say this would be put back on the property tax because this is incorrect. This would come out of the general fund and would be lowering the general fund this much money and I think if the \$160,000 they would be paying in and the difference as he has mentioned, I think doesn't amount to too much to help out at this time.

We're helping labor at this time, we don't want to forget we are helping labor. As I said the other day on the floor (I don't want to stand here and make a long speech and repeat myself) I will just say that about the only way they are making this money is through salvage — salvaging old tracks which are being taken up and are being discontinued. Once you take that out, which is going to be a matter of a few years, it will always be a deficit rather than an income. This year, they are going to pay an income tax, a good income tax. Again I might say something to what the gentleman from Pittsfield has said, Mr. Susi, is the fact that this will go back to the stockholders. They have only paid a dividend, I think, twice in the last ten years and that was a very minor one. I hope if I am incorrect, someone will correct me.

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

Mr. CAREY: Mr. Speaker, I hope we do recede and concur because I am not particularly happy with having to go through the mental and the mathematical gymnastics that we went through the last time on this bill.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope we do not recede and concur. We had this bill before us a couple of weeks ago and we did manage to put an amendment on it to cut it to \$300,000. The bill went down to the other end of the hall and once again we are going to be pushed around by the people down in the other body. I get a little sick of that after a while. I think if we take an action up here, we ought to stand by that action, and I would ask you to go along with the committee of conference.

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

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Burns, Byers, Call, Carey, Carpenter, Chonko, Conners, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Gray, Hennessey, Higgins, Hinds, Hunter, Hutchings, Ingegneri, Jackson, Jacques, Jensen, Kany, Kauffman, Kelleher, Kelley, Laffin, Laverty, Lewin, Lewis, Lizotte, Lovell,

Lunt, MacEachern, MacLeod, Mahany, Martin, A.; Maxwell, McBreairey, McKernan, McMahon, Mills, Miskavage, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Raymond, Rideout, Rolde, Shute, Smith, Snowe, Spencer, Strout, Stubbs, Teague, Tierney, Torrey, Truman, Twitchell, Tyndale, Usher, Webber, Winship.

NAY — Bennett, Berry, P. P.; Bustin, Clark, Connolly, Cooney, Davies, DeVane, Doak, Dow, Drigotas, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hobbins, Hughes, Immonen, Joyce, Kennedy, LaPointe, LeBlanc, Lynch, Mackel, Martin, R.; Mitchell, Morin, Morton, Mulkern, Peterson, T.; Post, Powell, Quinn, Rollins, Saunders, Silverman, Snow, Susi, Talbot, Tarr, Theriault, Wagner, Walker, Wilfong.

ABSENT — Blodgett, Carroll, Carter, Churchill, Dam, Faucher, Hewes, Jalbert, Leonard, Littlefield, Peakes, Sprowl, Tozier.

Yes, 90; No, 46, Absent, 13.

The **SPEAKER**: Ninety having voted in the affirmative and forty-six in the negative, with thirteen being absent, the motion did prevail.

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

Mr. **AULT**: Mr. Speaker, having voted on the prevailing side, I move we reconsider and hope you all vote against me.

The **SPEAKER**: The gentleman from Wayne, Mr. Ault, moves that the House reconsider its action whereby it voted to recede and concur. All in favor of reconsideration will say yes; those opposed will say no.

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

Petitions, Bills and Resolves Requiring Reference

The following Bill was received and, upon recommendation of a majority of the Committee on Reference of Bills for appearance on the House Calendar, was referred to the following Committee:

Taxation

Bill "An Act Relating to the State Valuation on the Town of Stoneham" (H. P. 1567) (Presented by Mr. Twitchell Of Norway)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Laffin of Westbrook presented the following Joint Order and moved its passage: (H. P. 1566) (Cosponsor: Mr. Usher of Westbrook)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Westbrook High School Stage Band State Champions for the Year 1975

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

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

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

House Reports of Committees Ought Not to Pass

Mr. Gray from the Committee on Local

and County Government on Bill "An Act Relating to Retention of Certain Authorized Fees by County Officers" (H. P. 397) (L. D. 486) reporting "Ought Not to Pass"

Mrs. Kelley from the Committee on Local and County Government on Bill "An Act Relating to Salaries of Jury Commissioners and County Officers in Lincoln County" (H. P. 800) (L. D. 976) reporting "Ought Not to Pass"

Mr. Walker from the Committee on Local and County Government on Bill "An Act to Clarify and Amend Municipal Home Rule Ordinance Powers" (H. P. 1195) (L. D. 1491) reporting "Ought Not to Pass"

MR. Gray from the Committee on Local and County Government on Bill "An Act to Establish Program Budgeting for Counties and to Require Submission of the County Estimates to the Secretary of State by the 20th Day of each January in which the Legislature Meets" (H. P. 1290) (L. D. 1573) reporting "Ought Not to Pass"

Mr. Sprowl from the Committee on labor on Bill "An Act to Provide for the Payment of Fees of Attorneys Retained by a Claimant Involved in Appellant Proceedings under the Unemployment Compensation Statutes" (H. P. 1399) (L. D. 1716) reporting "Ought Not to Pass"

Mr. Teague from the Committee on Labor on **RESOLVE**, Authorizing Suit Severance Pay for Employees. (Emergency) (H. P. 1322) (L. D. 1636) reporting "Ought Not to Pass"

Mr. Gauthier from the Committee on Judiciary on Bill "An Act Relating to Evidence of Stolen Property" (H. P. 341) (L. D. 425) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Walker from the Committee on Local and County Government on Bill "An Act to Repeal Specific Line Category Cuts with Regard to County Budgets" (H. P. 805) (L. D. 981) reporting Leave to Withdraw.

Mr. Gray from the Committee on Local and County Government on Bill, "An Act to Grant Counties Certain Powers to Enter on Lands and to Contract with the Federal Government and Other Bodies" (H. P. 920) (L. D. 1133) reporting same.

Mr. Gray from the Committee on Local and County Government on Bill "An Act to Authorize Municipalities to Borrow in Anticipation of Taxes" (H. P. 1149) (L. D. 1443) reporting same.

Mr. Tierney from the Committee on Labor on Bill "An Act Concerning the Determination of Insurance Premiums under the Workmen's Compensation Laws for Employers Hiring Employees who Furnish their own Chain Saws" (H. P. 1418) (L. D. 1694) reporting same.

Mr. Berry from the Committee on Public Utilities on Bill "An Act to Remove the Expenses of Promotional Advertising from the Determination of Electric Utility Rates" (H. P. 1284) (L. D. 1580) reporting same.

Reports were read and accepted and sent up for concurrence.

Consent Calendar First Day

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

(S. P. 342) (L. D. 1144) Bill "An Act Relating to the Osteopathic Student Loan Fund" — Committee on Appropriations

and Financial Affairs reporting "Ought to Pass"

(S. P. 467) (L. D. 1562) Bill "An Act to Amend the Charter of the Aroostook-Prestile Treatment District" (Emergency) — Committee on Public Utilities reporting "Ought to Pass"

(S. P. 385) (L. D. 1240) Bill "An Act to Clarify Provisions Concerning Travel Expenses of Members of Boards and Commissions" (Emergency) — Committee on State Government reporting "Ought to Pass"

(S. P. 162) (L. D. 536) Bill "An Act Concerning the Definition of Monthly Billing Cycle under the Maine Consumer Credit Code" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-115)

(S. P. 409) (L. D. 1291) Bill "An Act to Establish Compensation for District Court Bailiffs for Work at Other Than Regular Hours" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-116)

(S. P. 428) (L. D. 1394) Bill "An Act Redesignating the Department of Health and Welfare as the Department of Human Services and the Bureau of Human Services as the Bureau of Resource Development" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-117)

(H. P. 702) (L. D. 882) Bill "An Act Appropriating Funds to the Attorney General for the Purpose of Participating in Proceedings before the Public Utilities Commission" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-254)

(H. P. 758) (L. D. 932) Bill "An Act to Enable the State to Recover 100% of the Cost of Extended Benefits under Certain Conditions as Provided by Federal Legislation" (Emergency) — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-256)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 8, under listing of the Second Day.

(H. P. 1094) (L. D. 1372) Bill "An Act to Authorize Oxford County to Raise Money for the Development of an Airport in the Northern Oxford County Area" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-257)

On the request of Mr. Theriault of Rumford, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-275) was read by the Clerk.

On motion of Mr. Fraser of Mexico, tabled pending the adoption of Committee Amendment "A" and specially assigned for Friday, May 9.

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 Concerning the Jurisdiction of the Courts" (S. P. 374) (L. D. 1201)

Bill "An Act to Provide for Reimbursement of Court Appointed Attorneys for Reasonable Disbursements made on Behalf of Their Clients" (H. P. 1265) (L. D. 1631)

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 Paper was passed to be engrossed and sent up for concurrence.

Mr. Carey of Waterville presented the following Order and moved its passage:

ORDERED, that the House of Representatives extend best wishes to the Dean of the House, Louis Jalbert, on his 65th birthday. (Prolonged applause, the member rising).

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

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

Mr. JALBERT: Mr. Speaker, can you imagine, I can't eat frosting. This is in commemoration to assure you that I have never forgotten 34 to 32. (Applause)

Seriously, my birthday means more to me than Christmas; many of you who know me know that. As you, M. Speaker, I am the youngest of eight and a great deal is always made of my birthday. I will never forget when my birthday was sung to me four years ago when I was celebrating my birthday here.

I am going to be brief because I have been on my feet once before today. I am going to be brief, because if I am not brief, I am going to cry. I have often said that the legislature is my life. I have often said that if there is a place for me to go, it would be from this seat 78, swinging away, or doing what little I could to help us along passing good legislation.

I think this is a significant day for me, this particular birthday, because, you know, I have changed my thinking during this session. As a matter of fact, I haven't been gavelled down once, and believe me, that is a record. But this new Speaker has a method about him that differs from others. The other Speakers usually had their hammer down, and I would let it go and by the time the hammer would go up and down, why, it was gone. But this Speaker here, he has watched me so long, I think, that he has the hammer up, so it scares me.

But seriously, and I really mean this, I know there have been times in 30 years when you can't please everybody. As a matter of fact, when I read some of the record, some of the statements I have made, I haven't pleased myself. I question whether I should let myself in my own cellar. But really and truly, this is the place I love, you are the people I love, this is my life. Thank you very, very much. (Prolonged applause, the members rising)

(Off Record Remarks)

Passed to Be Engrossed

Bill, "An Act to Require Bicycle Safety Education in Public Schools" (H. P. 1079) (L. D. 1359)

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

Amended Bills Tabled and Assigned

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 (H. P. 158) (L. D. 188) (C. "A" H-241)

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

(On motion of Mr. Cooney of Sabattus, tabled pending passage to be engrossed and specially assigned for Friday, May 9.)

Bill "An Act Relating to Innkeepers, Victualers and Lodging Houses" (H. P. 1115) (L. D. 1406) (C. "A" H-243)

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

Emergency Measure Tabled and Assigned

An Act Declaring the Lewiston-Auburn Water Pollution Control Authority to be a Quasi-municipal Corporation (S. P. 316) (L. D. 1093)

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

(On motion of Mr. Jacques of Lewiston, tabled pending passage to be enacted and specially assigned for Friday, May 9)

An Act to Increase the Penalties for Night Hunting (H. P. 998) (L. D. 1261)

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. 115 voted in favor of same and one 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 Relating to Hunting Bear with Dogs (S. P. 311) (L. D. 1059)

An Act to Designate the Honeybee as the Official Insect for the State of Maine (H. P. 721) (L. D. 897)

An Act to Improve Procedures under the State Employees Labor Relations Act (H. P. 916) (L. D. 1130)

An Act to Assist Small Communities in the Development of Recreational Services (H. P. 1189) (L. D. 1485)

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

Orders of the Day

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

Bill "An Act to Exempt Nonprofit Historical Societies and Museums from Payment of Sales Tax" (H. P. 1326) (L. D. 1627)

Tabled — May 6 by Mr. Raymond of Lewiston.

Pending — Passage to be Engrossed.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: I was checking that bill yesterday, and I noticed that the state tends to lose up to \$18,000 a year on this bill, so when the vote is taken, I would like to have a roll call vote.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: On this bill, I think actually what it does, it affects the

great majority of us here, and all this bill does, and it is true there is a loss of revenue, but sometimes this loss of revenue is a good argument to kill a bill, and other times I don't think it is valid. I don't think it is valid this morning.

These historical organizations, their prime objective is to operate the small, non-profit, history houses, libraries, restore historical buildings, and they do this all with donations. There is no state money involved. These people donate their own time. They go down, they clean a one-room school house, they go in on weekends and nights and work and scrub the woodwork, clean it up, paint it and try to save some of the past.

I think all too often in this state, especially in some of the smaller communities, we are more concerned with ribbons of asphalt and cement bridges and new buildings, new schools, municipal buildings, than we are concerned with the history of the past. I think even an \$18,000 loss of revenue, based on the size of the State of Maine and the number of small organizations that are operating, that this is a very small amount to pay.

When this bill was presented before the committee, it had a good hearing and the gentleman who spoke on the bill made a good presentation. As he went around the Committee on Taxation, he pointed out to each member what would be affected in their area, the organizations. So you can't say that \$18,000 is a basis for defeating the bill.

The other thing, actually, while we are saying this would cost the state \$18,000, let's look at the other side. These people are serving without pay, they are trying to save a little bit of our heritage, a few of our historical buildings, so they sell little mementos, souvenirs, brochures, whatever you want to call it, they collect sales tax on this, and they are paying far more in to the State of Maine with their volunteer services than what they are asking to be abated here today on this bill. So I would hope on the roll call we would vote to support the bill and not kill it today.

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

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

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

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Cooney, Cote, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoc, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hobbins, Hughes, Hunter, Hutchings, Imonen, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, McLeod, Mahany, Maxwell, McBreairty, McKernan, McMahon, Mills,

Mitchell, Morin, Mulkern, Nadeau, Najarian, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY—Albert, Cox, Gauthier, LaPointe, Martin, A.; Morton, Raymond.

ABSENT — Carroll, Connolly, Farnham, Gray, Hewes, Hinds, Jacques, Kauffman, Mackel, Martin, R.; Miskavage, Norris, Peakes, Spencer, Susi. Yes, 128; No, 7; Absent, 15.

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

Sent to the Senate.

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

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

Tabled — May 6 by Mr. MacEachern of Lincoln

Pending — Passage to be Engrossed.

Mr. MacEachern of Lincoln offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-258) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker and Members of the House: Noing the fiscal note on this, if I was Mr. Yeaton, I would be a little bit disturbed, because they figure he is going to live to about 66 or 67 years of age. If he survives that, the fiscal note is not sufficient.

Thereupon, House Amendment "A" was adopted.

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

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

An Act to Protect Landowners Whose Land Abuts Land on Which Ten or More Acres of Timber is to be Harvested. (H. P. 1545) (L. D. 1862)

Tabled — May 6 by Mr. Ault of Wayne.

Pending — Passage to be Enacted.

On motion of Mr. Ault of Wayne, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill, "An Act to Increase the Minimum Wage to \$2.50 an Hour" (H. P. 148) (L. D. 173)

In House — Report "A" of the Committee on Labor accepted and a New Draft (H. P. 1520 (L. D. 1833) passed to be engrossed on April 23.

In Senate — Report "B" of the Committee on Labor accepted and a New Draft under New Title (H. P. 1521) (L. D. 1834) passed to be engrossed in non-concurrence.

Tabled — May 6 by Mr. Rolde of York

Pending — Further Consideration.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: I move that the House insist and request a roll call.

The SPEAKER: The gentleman from Durham, Mr. Tierney, moves the House insist and asks for the yeas and nays.

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

Mrs. TARR: Mr. Speaker and Members of the House: I move we recede and concur and I would speak briefly to my motion.

The SPEAKER: The gentlewoman from Bridgton, Mrs. Tarr, moves that the House recede and concur.

The gentlewoman may proceed.

Mrs. TARR: Mr. Speaker and Members of the House: This morning I spoke to my esteem leadership, Mr. Palmer, I thought I would let him know that I would like to speak to this motion and he said, "Fine, you go ahead but you are going to lose it."

Well, this isn't the first time that I have lost something. I just want one more time to urge you to recede and concur with the other body. Things haven't changed with the small businessman since we heard the bill the first time. They are still struggling, they are still in the worst economic crisis that we have ever had. There are still 52,000 people unemployed in the State of Maine. I am asking you, please, to be fair, we have been called Scrooges, the small businessman has been maligned, feels that we don't want to help the small working man, that is not true. I am asking you this morning to be fair, to be equitable, and let us both have a break, your small businessman and your workers and get this thing on the road so people will hire their summer employment and get it along to where they will get a raise and the small businessman can afford to give it to him.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't ask Mr. Palmer if I could speak today, but I am going to speak anyway. I sat next to my good friend, Mrs. Tarr, on the Labor Committee, and she and I disagree on this 100 percent.

The state needs \$2.50 an hour. It is a very important issue for the working people of the lower class people of this state. \$2.50 is not a great amount of money and it is not this type of legislation that hurts the small businessman. I have spoke on that before. There is legislation that definitely hurts them but this is not it. The small working man of this state and women, the lowest paid people of this state should have the consideration and the respect of this legislature to enact a \$2.50 minimum wage. To be number one in this state, to pay our lowest people the highest money that this country can offer, I consider this a pleasure and an honor to be a part of it. I would urge the members of this house to support the \$2.50 an hour minimum wage.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: I request a roll call and hope everyone will vote no on the pending motion.

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

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

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

Mr. MCKERNAN: Mr. Speaker and

Members of the House: The gentleman from Stow, Mr. Wilfong, is not here, were he present he would be voting no. I would be voting yes, so I would like to pair with him.

The SPEAKER: The gentleman from Bangor, Mr. McKernan, wishes to pair his vote with the gentleman from Stow, Mr. Wilfong, if he were present and voting, he would be voting no and if the gentleman from Bangor were voting, he would be voting yes.

The SPEAKER: The pending motion before the House is on the motion of the gentlewoman from Bridgton, Mrs. Tarr, that the House recede and concur on Bill, "An Act to Increase the Minimum Wage to \$2.50 an Hour" House Paper 148, L. D. 173. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Birt, Blodgett, Burns, Byers, Conners, Curtis, DeVane, Doak, Dudley, Durgin, Dyer, Garsoe, Gould, Gray, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kelley, Laverty, Leonard, Lewin, Lizotte, Lovell, Lunt, Mackel, MacLeod, McBreaarty, McMahon, Miskavage, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Rideout, Rollins, Snowe, Sprowl, Tarr, Teague, Torrey, Tyndale, Walker, Webber.

NAY — Albert, Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Berube, Boudreau, Bowie, Bustin, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Dow, Drigotas, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Lewis, Littlefield, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, Mills, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Pelosi, Peterson, T.; Post, Powell, Quinn, Raymond, Rolde, Saunders, Shute, Silverman, Smith, Snow, Strout, Stubbs, Talbot, Theriault, Tierney, Tozier, Truman, Twitchell, Usher, Wagner, Winship, The Speaker.

ABSENT — Carroll, Farnham, Hewes, Jacques, Kauffman, Lynch, Peakes, Spencer, Susi.

PAIRED — McKernan, Wilfong.

Yes, 50; No, 89; Absent, 9.

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

Thereupon the House voted to Insist.

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

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

Tabled — May 6 by Mr. Peterson of Windham

Pending — Passage to be Enacted.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I now have a task before me which I am not all that excited about performing, but I feel I must as House Chairman of the Natural Resources Committee.

L. D. 881, the basic purpose of this L. D., is to simplify and clarify the existing air qualities control statutes. The proposed

language is almost identical to that which is now in the water quality control statutes. This is a step in consolidating the many different procedures now required by various statutes. This is simply an attempt to make the procedures under the air quality control statutes the same as those under the water quality control.

Sections 1, 2, 3, and 4 of the bill remove lengthy hearing notice requirements but still require a public hearing before the new air quality standards are adopted.

Section 5 is the same as the existing statute except the phrase provisions of this chapter is added. It makes it clear that violations of the statute may be enforced. This was an inconsistency in the Legislation and it allowed for the promulgation of rules and regulations and their enforcement but it did not provide for any enforcement of the penalties of the provision. In all the penalties under the air quality control statute are similar to those existing presently under the water quality control statutes. The inclusion of a civil remedy up to damages of \$10,000 is new to the air quality control statute but is similar to that existing in the water quality control statute.

Section 6 is a section which permits the Board of Environmental Protection to review the effect of major highway, four or more lanes and their effect on air quality. This section was drawn up with the assistance of the Department of Transportation and to my knowledge, they have no problems with this section.

Section 7 of the bill, provides that the effective date be October 10, 1974, when the regulations were adopted and not 90 days after the Legislature adjourns this session, because those rules and regulations have been administered as though they were in effect. So, this is really a housekeeping bill. I don't like speaking to this kind of a bill because it is technical and I must admit my ignorance to all the technicalities and the federal air quality control legislation and the state, you need an engineering background and it is a technical piece of legislation but to the best of the Natural Resources Committee's ability, we do not think that this is harmful to any kind of industry or any kind of other development that may want to go on in this state. This is sort of a clarification of the law and I hope that I have explained it. It is technical and it is one of these difficult things to explain but I would hope that we could move along this bill through its legislative action.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I would like to ask a question through the Chair if I might.

The SPEAKER: The gentleman may pose her question.

Mrs. BERRY: In accepting this bill are we also accepting the rules and regulations that the department has promulgated since the last session?

The SPEAKER: The gentleman from Madison, Mrs. Berry poses a question through the Chair to any member who cares to answer.

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

Mr. PETERSON: Mr. Speaker and Members of the House: As I understand it, we are.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I would ask for a

division on this when the vote is taken and I would ask everybody to consider what they are doing, when they vote for this bill.

I have here on my desk a set of the rules and regulations on the open burning dumps or solid waste. I think that we ought to consider what we are doing and know what we are passing.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: The rules and regulations that were promulgated under the Solid Waste Management act were result of the action of the 106th Legislature, but it was provided in that Legislation that those rules would not be effective until July 1, 1975 of this year and that legislation wisely included the provision that a committee of the legislature would have to approve or disapprove of those regulations by July 1, 1975. There is legislative review, you have authorized the Natural Resources Committee, this session, to study the Solid Waste Management rules and regulations and to report back to you before you adjourn and that is what we wish to do but because of the work load on the committee with a regular load we have not performed that study yet but will be as soon as all bills are reported out and we will report back to this Legislature on the Solid Waste Management rules and regulations. Hopefully, we can advise that they be adopted as of July 1, but if there are problems and we will have some hearings on this where people can come in and present information before the sub-committee if there is strong feeling about pushing these solid waste management rules and regulations off a little further before they have the force of law and you want us to study them in the interim, we could do that too, but they are going to be studied and I don't think this is a related question. This doesn't affect the Solid Waste Management or open burning dumps in any way.

On motion of Mr. Connors of Franklin, retabled pending passage to be enacted, and tomorrow assigned.

The Chair laid before the House the sixth 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 5 by Mrs. Najarian of Portland

Pending — Motion of Mr. DeVane of Ellsworth to Indefinitely postpone Bill.

Mr. DeVane of Ellsworth withdrew his motion of indefinite postponement.

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

Mr. FAUCHER: Mr. Speaker and Members of the House: I now move that we accept the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Solon, Mr. Faucher, moves the House accept the Majority "Ought to Pass" Report.

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

Mr. SHUTE: Mr. Speaker and Members of the House: Would the motion to indefinitely postpone be in order?

The SPEAKER: The Chair would answer that the motion would be in order.

The Chair recognizes the same gentleman.

Mr. SHUTE: Mr. Speaker and Members of the House: I then would make that motion and speak to it.

The SPEAKER: The gentleman from Stockton Springs, Mr. Shute, moves that this bill and all accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: This is a very bad bill and I think it should be indefinitely postponed. This is merely an attempt by the two major political parties to disenfranchise a person from running as an Independent candidate. Not only does this bill put a person who wants to run as an Independent at a great disadvantage, but also would discourage a person from enrolling in one of the two major political parties, because he would be locked into that political party and would not have a free choice to run as an Independent, if he were dissatisfied with the candidates or with the party platforms adopted by either one of the two major political parties. I think one of the main points we should address here today is, is it fair for us to do things through legislation that the party bosses have not been able to do at the party caucuses or at the polls? I think it would speak well of this House today, if this legislature put what is right for the people of this state over what might be advantageous for either one of the political parties. I hope you will support the motion to indefinitely postpone this bill.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: There is no sound offense or legitimate excuse for the presentation of bills this session which would affect the unenrolled voter or so-called Independent. The Election Laws Committee, of which I am a member, had been doing a pretty good job with the 17-A treatment regarding bills coming before the committee, until those affecting Independents appeared. In fact, the Senate Chairman said, after we had heard some of those bills, that in his opinion, the committee should go lightly in signing out that type of bill. He said he felt that way despite the fact that the sponsor of at least two of those bills is the House member with whom he shares an Augusta apartment. Since that statement, however, things have changed. I don't care how strongly the opposition might argue as to the sincerity, realism and fairness with which these so called Independent bills are presented. I know they would not be presented if someone other than James Bernard Longley was occupying the oval office. This honorable body should realize that the election last fall turned out as it did because that is just what the voters wanted, a change. Any attempts to impede or inconvenience the efforts of office seekers shall do just what some people might want done, to reduce voting. I believe that Governor Longley will do just what he has said he will do, leave office after four years. If such is to be the case, any laws passed with the intent to inconvenience him, will not affect him. On the other hand, will serve as a stumbling block to some future candidate of the same stature whom the voters might prefer over the candidates of the two major parties.

This is a bill which is discriminating and based upon resentment toward people who wish to choose candidates who are not in major parties. There are all kinds of bills

before us relating to Election Laws which, if passed, will offend the voters. We should be inviting people to vote, not be discouraging them. In my own city, I have seen the politicians, both the obvious and the behind-the-scenes politicians, discourage so many voters from going to the polls that the cities number one political syndicate with its supporters and sympathizers could elect Bugs Bunny for Mayor on election day. The rank and file of the voting population stay at home and these politicians are able to put over their candidates very easily. That, in my opinion, is far from the realistic and far from the so-called American way. If we, in this legislature are not careful, we will permit certain interests to do the same thing on a state-wide basis and we will be more unhappy than we have been in the past.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. You know that I opposed this bill along with its companion bill the last time it was in front of us. I would just like to say that since this body did pass over my objections, the bill was to require Independent candidates to file on April 1st along with candidates from major parties, but I don't see where this is necessary. I think that there is no reason to make the Independents be Independents by January 1st as well. You are doing enough to try to deprive Independents from running and I think this would be a mistake as I think the one we dealt with the other day was.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the indefinite postponement motion. We did discuss this quite at length in Election Laws and I think the direction that we decided to take is to establish a set of rules or try to establish rules whereby we would all be going by the same rules.

Apparently, there seems to be a rise in the philosophy, at least, of an Independent party. I am not in agreement. I almost believe that the word Independent should be taken out. An unenrolled voter, to me, is a much better connotation, a much better description. There seems to be a rise to that philosophy and we felt that everybody should play by the same rules.

I hope you will defeat the indefinite postponement motion.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I just simply have a question that I would pose to anyone who might care to answer. The gentleman from Lewiston, Mr. Call, kept referring to this bill as affecting Independents. I wonder if it would affect anybody who is now an unenrolled voter?

The SPEAKER: The gentleman from York, Mr. Rolde, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. BOUDREAU: Mr. Speaker Ladies and Gentlemen of the House: In answer to that question, in no way would it change the situation for anyone who is now a non-enrolled voter. All this says is that they have to be a non-enrolled voter for three months.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: This happens to me my own bill and I still believe it is a good bill. All it says is that if a person wants to run for office as an Independent, under this bill he would have to be Independent for three months before the filing date, not enrolled as a Democrat or a Republican but as an Independent.

Now, as you know, we had three so-called Independent candidates on the ballot last fall as candidates for Governor. All three of them were members of a political party when they filed their papers and, yet, each called himself an Independent. Obviously, they were not really Independents. In my opinion, they misled the public by calling themselves something which they were not.

I hate to disagree with my good friend, my very good friend, Mr. Call, but I called Lewiston and they told me that Mr. Call is still registered as a Democrat, and he calls himself an Independent. I have got a lot of relations in Lewiston, good friends of mine too, and they ask me every time I go to Lewiston, what is Mr. Call? Is he an Independent or is he a Democrat? I said, well, we are going to find out pretty soon. I believe if someone is going to run as Independent, he should be Independent, not Democrat, not a Republican. It is very easy to go around your district and find out that you can't win a nomination on either party, so you decide to run on something else and you still keep enrolled as a Democrat or a Republican. I am just getting sick of this.

I would like to tell my good friends here not to go along with the motion.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this measure, I would like to relate my own personal experience. I was a Republican candidate in the June primary. I had talked previously, about three months before, to the man who was going to be my opponent, I didn't know that he was, he was a registered Democrat, he had run previously for this House seat two years prior and had lost. What he did was to get at least 25 signatures for the primaries in the month of June. At that time, he got on the ballot as an Independent and he came within 40 votes of defeating me. I am here but it was a close election.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Stockton Springs, Mr. Shute, that this Bill and all its accompanying papers be indefinitely postponed. The Chair will order a division. If you are in favor of indefinite postponement, you will vote yes; those opposed will vote no.

A vote of the House was taken.

34 having voted in the affirmative and 81 in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once.

Committee Amendment "A" was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the seventh 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 5 by Mrs. Clark of Freeport.

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

On motion of Mr. Rolde of York, retabled pending the adoption of House Amendment "A" (H-233) and specially assigned for Friday, May 9.

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

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Resolve, to Reimburse Norman Call of Levant for Loss of Cattle Destroyed by Bear (H. P. 959) (L. D. 1207)

Report was signed by the following members:

Messrs. CIANCHETTE of Somerset
CORSON of Somerset
DANTON of York

— of the Senate.

Messrs. DUDLEY of Enfield
GOULD of Old Town
PERKINS of Blue Hill
HUNTER of Benton
SHUTE of Stockton Springs
JOYCE of Portland
CAREY of Waterville
COTE of Lewiston
FAUCHER of Solon

— of the House.

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

Report was signed by the following member:

Mr. BURNS of Anson

— of the House.

Reports were read.

On the motion of Mr. Faucher of Solon, the Majority "Ought to pass" Report was accepted, the Resolve read once and assigned for second reading tomorrow.

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

Bill "An Act Relating to Playing Card Games for Prizes" — Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-260) (H. P. 573) (L. D. 708)

Bill "An Act Relating to the Games of 'Beano' and 'Bingo'" — Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-259) (H. P. 1277) (L. D. 1755)

No objections being noted the above items were ordered to appear on the Consent Calendar of May 8, under listing of the Second Day.

Mr. Perkins of Blue Hill presented the following Joint Order and moved its passage: (H. P. 1570)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Hancock County Spelling Champion 1975 Laurel Beeler of Blue Hill

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

Mr. Stubbs of Hallowell presented the following Joint Order and moved its passage: (H. P. 1571)

WHEREAS, The Legislature has learned of the Outstanding Achievement

and Exceptional Accomplishment of
Granite City Grange
No. 548
of
Hallowell

50th Anniversary 1925-1975

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

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

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

Mr. Connolly of Portland was granted unanimous consent to address the House.

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would like to take your time for a few minutes to speak about legislation that came out of the State Government Committee, sponsored by myself, with a report of "leave to withdraw." I placed that on the table for yesterday and it was the subject of two editorials that appeared in the Bangor paper yesterday morning.

The reason that I requested that that bill with "leave to withdraw" be placed on the table was to allow myself the opportunity to speak about the issue. I didn't have any misconceptions at all that the bill was going to pass through this body, but I did feel that I would like to take the opportunity to speak about the issue for a few minutes. But the fact that the Bangor Daily took the time to write two editorials and use as its subject matter that particular legislation and myself and other people involved, it has presented me with another opportunity. Consequently, I allowed the report to be accepted on that bill and waited until today until I had time to prepare some remarks that I would like to give to you now.

The Bangor Daily had its ace State House reporter cover the hearing when I presented that bill, and the subject matter of the bill, in case none of you are familiar with it, was to allow an amendment to the Constitution so that a tax, a luxury tax, could be placed on seasonably occupied homes in the State of Maine. The editorial in yesterday's paper really presented a gross misrepresentation of the facts. Let me read to you from that editorial briefly.

"Connolly, you want to make things tougher for Maine's outdoor-lovin' people, many of whom scrimped and saved and built their own lakeside camps beneath the sweat of their brows. You want to boost the tax burden for the hundreds and hundreds of modest-income camp owners who are already paying second home property taxes through the nose to municipalities with little service in return?" And that just isn't the case, as the reporter would know who covered that hearing from the testimony that was delivered and as members of that committee who, although they disagreed with the position, will tell you that the intent of that legislation was to allow for a luxury tax to be placed on homes that were valued at higher than \$23,000 or \$25,000, or some such high figure.

The reason that we didn't present the figure and the formula to the committee at the time the bill was heard was because in order to present that kind of legislation, it first required that an amendment to the Constitution be adopted by the people. So

what appears in the Bangor paper of yesterday is really a misconception of what the intent of the bill was to do. And I would like to read to you a letter, a very brief letter that I received on Monday before the editorials appeared in the paper but after the public hearing.

"Dear Mr. Connolly: Congratulations on the innovative concept of a special tax on second homes. I have for many years had a second home in Maine and have felt guilty that I was not paying my fair share for the services received.

"The services received by those of us who vacation in Maine are not fully accounted for in the current list. We receive the free use of lake and coastal waters, the use of trails, the fish from ponds, streams and the ocean. We receive the scenic beauty, the wild flowers and the unpolluted air. All of this is free to use at a cost to the Maine taxpayer.

"The State Parks are kept open, the wardens patrol the woods, game is stocked, industry is tightly controlled, Maine laws provide scenic easements keeping industry out, all with Maine taxpayers' money.

"I recently had the opportunity to compare taxes on two homes near Brunswick. In the town, a medium sized house had a tax bill of \$463. A much larger summer home on the coast nearby costing four times as much was taxed at \$293.

"An additional tax break for us part-time Mainers accrues when we can claim Maine Income Tax instead of out-of-state tax. In 1974, I could claim residence in either Maine or Virginia. The Maine income tax computed to \$862. The Virginia tax on the same income came to \$1169.

"The leisure time industry competes with every other industry for the attention of Maine. It should pay enough taxes to compensate for the taxes lost in limiting the amount of heavy industry allowed in the state. I hope your bill will be given a fair hearing. Sincerely, William Ellis, Alexandria, Virginia."

I should also point out that Mr. Ellis formerly worked for the State of Maine in the employment of Governor Curtis.

The second point that I would like to make about the two editorials with the references to my sometimes part-time employment as a cab driver. To quote the editorial: "Connolly, a cab driver, who moonlights as a public servant." The wording of that phrase suggests that the Bangor Daily has an elitist point of view that says that cab drivers aren't the proper people to serve in the legislature and that it intimated and is viewed by some radical ideas as presented in his bill are not to be tolerated by people like myself.

The personal attack that was made on me isn't what bothers me, but it is really the snobbish implication of the Bangor newspaper that cab drivers, whose average income is slightly more than \$4,000 a year, which is about the average income for Maine people, have no role to play and perhaps aren't even qualified to serve in the legislature. And that seems to me to go against the democratic traditions upon which this country was built, but maybe the Bangor Daily editorial policy board would wish that Maine have an elitist legislature, but I don't think that Maine people agree with that position.

The final point that I would like to make in regard to the two editorials is the apparent policy of the Bangor paper over the past year or so to smear in a terribly vicious way the reputations of two people.

One is Stephen Aucoin, who is employed as Director of a dropout program within the Department of Education and the second is his wife, Terry Ann Lunt Aucoin, who is the Executive Director of the Human Rights Commission. Those two people, who have been close friends of mine for a long time, have been willing to devote themselves and their lives to change within the State of Maine. Whether you agree with the kind of change they are trying to bring about or not, they have been willing to devote themselves to change and to take criticism for that commitment. They are both idealists and, as was pointed out at the hearing in response to a question by Representative Farnham, they are not communists or they are not socialists, but they are humanitarian. Those two traits, humanitarianism and idealism are apparently characteristics that the Bangor Daily cannot stand.

There was no need to drag the name of Terry Ann Lunt Aucoin into the controversy surrounding this bill. But the Bangor Daily, in its editorials of yesterday and in an article which appeared after the hearing of last week written by Reporter John Day, chose to bring Terry Ann's name into the picture. She has no connection whatsoever with the issue other than the fact that she is the wife of Stephen Aucoin, who gave me a great deal of help in preparing the testimony and doing the research and in helping to draft the legislation.

The Bangor Daily, in my opinion, is wrong in what it has done to the reputations of those two people. We should all understand that the power of the press is a great power but that that power can be abused, as it was in this case, for the purposes of carrying out a personal vendetta against two people and against the Human Rights Commission. (Applause, the Members rising)

Mr. McKernan of Bangor was granted unanimous consent to address the House.

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: As one of the elected Representatives from Bangor, I would like to comment briefly on Mr. Connolly's remarks. I felt that it was a little unfortunate that he reduced himself, at least closer to the level of the editorial yesterday in referring to the Bangor Daily News as the Bangor Deadly.

I would like to say, however, that although I probably would have agreed with the State Government Committee that his bill should not pass, I felt that it was unfortunate and inexcusable that the Bangor Daily News would use the tone and type of pettiness that they used in their editorial of yesterday. I don't feel it is up to the standards that we normally expect from that newspaper, at least we the residents of Bangor.

I found that it was especially offensive to personally attack a person who had been elected by the people of the district that he represented. I think that is not the job of a newspaper or any media in this state. In fact, today I would ask that the Bangor Daily News and all other newspapers and all other types of media in this state to refrain from attacking personalities. We are here to deal with the issues. If they don't agree with the issues, they have a perfect right and an obligation to state so in their editorial pages, but I would ask them to use their power only to deal with the issues and not to get into personal attacks on people who were elected by the people of this state.

Mr. Talbot of Portland was granted unanimous consent to address the House.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I too would like to comment on the editorial which appeared in the Bangor Daily News. I guess that is one of the reasons why I moved from Bangor to Portland. I would like to be a little bit more specific within the editorial. I think it was a racist, derogatory and vicious editorial on any members of this legislature, and in this particular case, it is my colleague from Portland, Representative Connolly.

I have run in four elections with Mr. Connolly, the first in which he placed first, and in the last election he ran within the first five. He has done an admirable job for the City of Portland, and I don't think I need to stand here on this floor to defend that. I think we all know that. Let me say this, that even though the narrow minded young man, Mr. Reynolds, who wrote that editorial has every right to, but I think it is the duty and the responsibility of that paper to realize what kind of editorial that was and to stop it where it should have been stopped before it got into the paper at all.

I also don't think that we as members of this House or as members of the other House across the hall should have to stand here and defend a man of the reputation of Mr. Connolly. He stands here and he represents his people very well both in this House and out of this House, and I have a great deal of respect for him.

I am also upset over the fact that the Bangor Daily News dragged in two other people who I have high respect for, and that is Steve Aucoin and Terry Ann Lunt Aucoin, who heads up our Human Rights Commission.

I can remember the horror stories of the blueberry fields that I visited last year in Washington County, and the Bangor Daily News again, instead of attacking the problem, attacked Mr. Aucoin for exposing that problem. I think the Bangor Daily News has got a long ways to go. Any paper within the state, and most of you know I worked for one, but I don't care what paper it is that uses this kind of vindictive, vicious kind of editorial, I would stand up there and defend this House, and any paper, which has the freedom that we all have to express themselves, can and must, and they can and must in a critical sort of way, whether it be constructive criticism or not, but this kind of an attack on any member of this body cannot be allowed. I would hope that a letter from the leadership within this legislature go to the Bangor Daily News and demand that they apologize to every member of this House and especially Mr. Connolly.

Mr. Morton of Farmington was granted unanimous consent to address the House.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This is indeed a significant day here in the legislature this morning. We have had recognition of very faithful Maine servants. We have recognized the venerable member of this House. We have had a dissertation on human rights this morning, which I thought was an excellent one, and this is a pretty significant day.

Thirty years ago today, May 7, 1945, a significant historic event took place. General Yodel, in a dramatic ceremony, signed the document which ended what was to have been the 1000th year German Reich, that hoped for legacy of that monstrous demagogue, Adolph Hitler.

That V-E Day, several of us in this House were there in Europe saying a prayer of thanks that that portion of World War II ordeal was over. The victory was attained without jet planes or without atomic bombs, but with the sacrifice of millions of men and the suffering of millions of people.

We have no commemorative special holiday to mark a day of many poignant memories for me. But it is most fitting that it not be forgotten.

Mr. Speaker, when we adjourn today, I move we adjourn in memory of those who sacrificed so much in Europe in World War II.

Mr. Dam of Skowhegan was granted unanimous consent to address the House.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think what I am going to say I am not in one sense saying for the ears of the House, but I am saying for the record and for some of the people travel the halls outside in their duties of lobbying.

This session, I have served as the House Chairman of Local and County Government Committee. I have heard all the bleeding heart stories, all the tear jerkers from county officials when they have come down and plead for their raises because of their increased duties.

I think that most of the members of this House know that I am a friend of county government, but I am a friend of anything as long as it is operated right. I think that in the case of county government it has gone a long way in not being operated right, but I hope that we can bring it back into the fold and take away the status of an orphan child.

It disturbs me when I walk out through these halls and I find county officials, some paid as high as \$12,500 a year, that work maybe three months out of that year, and then they come down here and lobby and pick up another forty or fifty thousand dollars. It disturbs me when I have gone over a county budget and I have seen overdrafts and unauthorized expenditures to the tune of \$250,000, and then I see the commissioner out here in the hall lobbying when they should be back in their county trying to get their budgets into proper perspective.

I think I am saying this to you legislators because I think as you see your county officials down here doing the lobbying, you should suggest to them that they go back into their counties and they start getting their house in order before they take on any extra duties.

I think this session it is too late maybe to get a bill through definitely spelling out what these commissioners' duties are. But maybe the next session, hopefully, and if I am not back, maybe someone else, if we don't draft a change, will get a bill through spelling out what county commissioner duties are. And I don't think it is their duty to neglect their own county and allow overdrafts and unauthorized expenditures and allow the people to do what they want with the taxpayers' money and then come down here and spend their time in the halls of this legislature lobbying.

On motion of Mr. Morton of Farmington,
Adjourned until 9:30 tomorrow morning
in memory of VE Day.