

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

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Index

KENNEBEC JOURNAL
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HOUSE

Wednesday, June 11, 1975

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

Prayer by the Rev. Elmer Bentley, Retired Past President of the Bible Society of Maine.

The journal of yesterday was read and approved.

The following eighteenth tabled and today assigned matter was taken up out of order by unanimous consent:

An Act Making Current Service Appropriations from the General Fund for Expenditures of State Government for the Fiscal Year Ending June 30, 1976 and June 30, 1977 (Emergency) (S. P. 546) (L. D. 1909).

Tabled — June 10, by Mr. Smith of Dover-Foxcroft.

Pending — Passage to be Enacted.

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

A vote of the House was taken.

Thereupon, Mr. Connolly of Portland requested a roll call vote.

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

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

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Earlier in caucus, we had been told that we would get a look at that supplemental budget, and it had been my hope that we could get to that supplemental budget before we took final action on this particular budget. I am somewhat concerned, for instance, that last year we raised the cigarette tax so we could fund catastrophic illness, and it is my understanding that we are going to be asked again to raise the cigarette tax this time to pay for catastrophic illness, something that we had paid for before, and I would hope that maybe somebody could clear that up for me.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Waterville, Mr. Carey, was misinformed on any tax that will be suggested to fund catastrophic illness. He will see the catastrophic illness program very shortly, no tax will be required.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I had an interesting experience two nights ago and again last night. I was at my apartment here in Augusta and one of the people who lives down the hall from me, whom I had never met, knocked on the door and asked if he could talk to me. He was a state employee, he was in the Archives Department and he had just received in the mail his notice of being laid off effective July 1, three weeks from now. It

came as a bit of a shock to me to know that we were laying off people in a number of state agencies and because of his very real problem — this was a man who has been employed here about two years — I began to look further and I simply was not aware that the many cuts which I knew would be necessary were not being met by attrition but also by layoffs of personnel and to fire people off the state payroll in the midst of the biggest depression we have had since the twenties just seems to be irresponsible, especially when I watched "Meet, the Press" on Sunday and heard the Governor say that both state and federal government have a responsibility and that the federal government must have a further responsibility to employ people during this depression. Well, to ask them to take that responsibility and yet fire state employees into a depression, I think is irresponsible and I can't vote for this budget because of that and I am wondering if the Appropriations Committee is aware of how many people we are laying off, not the number of jobs being eliminated through attrition but how many actual state employees are being fired because of the budget which we are about to enact, and I ask that as a question to the Appropriations Committee.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I cannot say that I do know how many are going to be laid off. The Governor has not informed the committee of the number of layoffs that he intends to make. I would state that the budget at this point has not been enacted and I think probably it will be some time before we do know. I think the Governor has played this one very close to his chest.

The legislative leadership, at the beginning of the session, asked the Appropriations Committee to do its level best to stay within a total appropriation that was suggested by the Governor and to do any additional things that it thought necessary beyond that total figure in a separate act. We have done our level best to accomplish that; in fact, we have put some things back into the Governor's Part I budget that were not there in the first place. I would give to you as an example the Adult Education Program for the high school diploma, which I am sure you have all received a great deal of mail over.

So I think as far as Part I goes, with the constraints that we were asked to operate under, we have done the most responsible job that we can. Anything beyond that is going to have to be dealt with in additional appropriation acts. So, I would ask you to support this today, to help us in the future if you feel that injustices are being done. Again, I think we have done our very best.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to vote for this budget today. My hangup is this, there is one place in the budget that calls for 22 jobs when only 18 really exist at the present time. It is an appropriation of \$669,000 which I feel is quadruplication, duplication, or call it whatever you want to, I don't think it is called for at this time and I feel that when we have a chance to save money, we should take that chance, but no, to and behold it's in the budget and I can't vote for it.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote against this budget. I have heard the Chairman of the Appropriations Committee say perhaps we'll come back with a supplemental budget, etc. Well, perhaps if more of us had the courage here to vote down this budget, then the Appropriations Committee might take some very definite action.

I don't have to repeat to you all of the vital services which have been cut in this budget. You have done your job very well because you have received a letter of compliment from the Governor. He has given you that letter because he laid out the perimeters and very neatly we have stood within those perimeters; meanwhile, the state employees have no raise except for a \$2 or \$3 a week raise which is supposed to come about by their cutting down their own operational costs. This is a sop, to give a family man with three or four kids who has fallen 18 to 20 percent behind in inflation, a \$2 or \$3 raise is less than giving a beggar a 10 cent piece. I think that this particular body and the other body have been pusillanimous — if you want to know what that word means, and I am sure you all do, it means weak-kneed, we have not faced up to what the people of this state had a right to expect and that was an alternative financing of the budget, not the Governor's budget, but a budget that adequately met the needs of the people of this state, and that is why I am not voting for this budget.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to echo the words of the gentleman from Dover-Foxcroft, Mr. Smith. We also put charitable institutions into this budget. This is a current services budget; this is the budget for the spending for the next two years and every time that this budget passes, it has no taxes attached to it. Anything in the future must be termed as a supplemental budget.

I don't know where the gentleman from Bangor, Mr. Ingegneri, got his figures of \$2 or \$3 a week raise and if it was to be a \$2 or \$3 a week raise, it would not be in this budget anyway, it would be in a supplemental budget. This is the current services budget. This is the "keep-the-store-open" for the next two years; that is all this is and nothing else. Anything beyond this current services budget will have to be on a supplemental basis.

We took L. D. 805, and after we took it, it became L. D. 1909 and there were several errors in L. D. 805. We corrected them. There were things put back, as the gentleman from Dover-Foxcroft, Mr. Smith said, in the budget that were not in the supplemental budget, human services and programs in other areas.

I repeat myself, this is a current services budget, this is the budget that keeps the store open for the next two years and the current services budget never, and has never had, and cannot have any taxes on it.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I cannot support this L. D. this morning and I feel that if there is any question at all that people are going to be laid off in these times of extreme high unemployment, the national percentage is 9.2 percent, I believe unemployment

state-wide is 11 percent and yet we sit here in our chairs ready to push the button to approve this budget and we don't know how adversely it is going to affect the citizens of Maine. State employees are still citizens of Maine. I think it is highly impersonal, I think it verges on almost being irresponsible to approve it unless we know individually what adverse affects this is going to have on state employees and state services that serve the citizens of this state, I think it is almost irresponsible.

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

Mr. HALL: Mr. Speaker, I would like to pose a question to somebody on the Appropriations Committee, maybe they could answer. Already, we've gone ahead and recommended to the county a 7½ percent increase in the pay. Does that mean that there is going to be discrimination between the two? They're the ones who are going to get the raise and not the rest of the employees?

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Any action that this legislature takes on pay increases normally is a Part II item. All we are talking about, as the gentleman from Lewiston has said, is keeping the store open, not expanding services, not talking about pay increases; we are simply keeping the store open with the Part I budget. There is consideration of that and it would have to be a supplemental act. I think there are plans on the part of leadership to do something for state employees at some point, but this Part I budget simply is not the vehicle to do it.

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

Mr. CAREY: Mr. Speaker, and Members of the House: Everyone is talking about a supplemental act, and this is not the vehicle that we should be using and this is one of the reasons why I would hope that we could not take action on this particular budget today, because it seems as though the supplemental act was L. D. 824, it was a 30 page document which I expected would not be adopted in its final form. Unfortunately, 824 comes out in a new draft, L. D. 824 is now replaced by 1927, and I have the figure right in front of me, Mr. Speaker L. D. 824 was an act making Current Service Allocations from other Special Revenues; 1927 is a bill now that has been changed from a 30 page bill down to a two page bill, and I would certainly hope that we would not pass this until we can see what was in that.

Now, catastrophic illness is now a new service. Catastrophic illness had been something that was funded the last time. If anything, that should have shown up in the current services budget.

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

Mr. JALBERT: Mr. Speaker and Members of the House: So that we will not be confused, L. D. 824, is actually repealing a bill that I presented and passed at the special session and we found that these were special revenue accounts, monies that belonged to special agencies. A lot of federal funds were involved and I was of the opinion that we could use it and that was the reason why the bill has come out in this form here. It is actually a repealer of a bill that I passed, myself presented and this legislature passed at the special session, and I go along with this repeal.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I envy those members of the House today who can indulge themselves in the luxury of not voting for this document. I want to assure you that any member of the Appropriations Committee could find spots in the document that could tip him over too, but as a responsible group, we are urging the adoption of this document here today so that we can proceed.

The gentleman from Lewiston has assured you and I would add my voice to it, that this keeps the store open. Those of you concerned about public employees not getting pay raises and getting laid off, that is certainly a fact, but I would remind us all that this is being done in behalf of the citizenry where the unemployment is 9, 12 and in some communities 25 percent, and I think this is an even-handed approach that at least protects the great bulk of our employees from this hazard. We can't have everything both ways, and all ways and I would urge this body this morning to give this passage so we can get about the supplemental package.

The PRESIDENT: The Chair recognizes the Senator from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: I will not vote for this bill today for two reasons. The first reason is that the University of Maine system is totally inadequately funded by this budget, but my primary reason for voting against this is because this budget shifts the burden onto the working people of this state so that the Governor's legionnaires can take a free ride.

Now, I feel very close to state employees and I see numbers of them being laid off, with threats of layoffs for many others. In a time of unemployment as high as we have today, with official rates that are approaching 12 percent in this state and probably closer to 20 percent and in some areas 25 and 30 percent, it is not a time to cut back on state employment. If anything, the state should be employing more people, giving those people who can't find work in private enterprise a chance to survive so they don't have to be unemployed. So I am voting against this budget today and I would urge all of you who have any feelings towards the working people of this state, the people who are going to bear this burden, to join me.

The PRESIDENT: The Chair recognizes the Senator from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: This morning I urge you to vote for the passage of this bill. I am sure if you look around you will see that some of the ablest men in this House serve on this Appropriations Committee. Had I been the Speaker, I would have chosen about the same people who are on it. I would like to have been on Appropriations myself but I don't have the qualifications that these men do that he picked, or I'm sure I would have been on it.

Now when they speak of the working people carrying the burden, in my lifetime, in the State of Maine, the working people have always carried the burden because they are the people who live in the State of Maine. We are nearly all working people and some people get the idea there are wealthy enough people in this state to carry it but percentage-wise, if you check with Internal Revenue, there are very few wealthy people in the State of Maine and we don't have very much industry either.

So if you relied on them to pay the bills, the bills wouldn't be paid. For this reason, when you raise taxes, you are really putting it right back on the very same people you are trying to help.

For this reason alone, when I look at the Appropriations Committee and the very able people who are on it, and they made this decision after several months of study, and as I told you, they had reservations, I am sure they did, but after they talked it over amongst this group on Appropriations, this was their best offer, what they thought they could best serve the people of Maine with and I am sure it doesn't meet with all of my approval and it doesn't meet with all of their approval, but I am sure that it is the best document that they could set forth today and I hope you support it.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: I don't want to take a lot of time, I hadn't originally intended even to speak on this, just simply to vote against the budget and have that recorded. I just would like to say a couple of things though, first that I kind of resent, maybe resent is too strong a word, the implications of the remarks of the gentleman from Cumberland, Mr. Garsoe, that those of us who vote against the budget are somehow being irresponsible. I don't think that that is the case at all. I think that those of us who intend to vote against the budget, and again I might point out that I don't think there are enough here to block the budget, do so for very legitimate and honest reasons and have weighed the matter very heavily in our minds as to the implications of that vote and it is not an irresponsible vote at all.

But I would just like to point out that the remark has been made by the gentleman from Lewiston, Mr. Jalbert, and by the gentleman from Dover-Foxcroft, Mr. Smith, that this budget is simply one that is going to keep the store open. I would like to explain to you how that affects one particular program, just simply keeping the store open, and that is the AFDC program, a program that is very close to my heart and one of the things that I have worked on very hard while I have been in the legislature. The appropriation that is in the budget for the next biennium does not represent any increase in total monies over what was in the budget for the last year. What is going to happen with the ADC program is that the caseload is going to increase from 2,500 to maybe 4,000 people and there has to be money to pay for those new people who are going to come onto the caseload, people that qualify for welfare assistance. So what the Governor and the Commissioner of Health and Welfare have recommended and what the Appropriations Committee and leadership have agreed to is that there is going to be money that has to be cut or programs have to be cut from the ADC budget or the ADC program in order to pay for the extra people that are going to come on, and what they have done is, they have gone to a system that is called rateable reduction. The arguments presented that that is a fairer way to pay people on ADC when in effect what is happening, and the gentleman from Cumberland will probably dispute this, is that money is being taken from the poor to pay for the poor and that there will be some people who will have their grants removed.

altogether and other people who will have their grant cut back.

Another way the department has attempted to save money is through the unborn children's program, which was money to pay for women who qualify for welfare who were pregnant. What is happening is that that money is being taken from the program so that they can make up for the increased caseload and this is taking from the poor to pay the poor and the cover that is put on that for the rationalization is that we are just keeping the budget at the current service level. I think that is the wrong thing but I don't intend to get into it anymore but I want you to understand why I am voting against the budget and it is not irresponsible.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I want to discuss the AFDC problems just briefly with you so that you will know the position of the Appropriations Committee and thereby the position you are adopting here today. The Appropriations Committee had a great deal of difficulty, many of us showing the same kind of concerns that the gentleman from Portland, Mr. Connolly, has expressed to you today. It is a fact that there is going to be sort of a system that has been referred to as rateable reduction introduced in the next biennium. We are told by the Commissioner of Health and Welfare that this is a system that will eliminate some of the recipient families that have very large amounts of outside income. We have seen some printouts that indicate that some families are getting \$700 or \$800 a month outside income. We are told that these people are the ones that will be taken off from the AFDC rolls or reduced in the amount that they are receiving.

The Appropriations Committee was extremely concerned about hardships that might be imposed under the law on individuals that ought not to be reduced or ought not to be cut off, even though they happen to have what appears to be on the surface an inordinate high income to be on the program. Because of this concern, we have placed in the Appropriations Act, and if you will turn to Pages 28 and 29, you will see the explicit language, a contingency fund that will be used to take care of those special hardships. We think that this at least at the beginning is going to be satisfactory to take care of the extreme hardship cases, the individual hardship cases, and if it is not satisfactory, we are going to be back here very shortly anyway and we can address this problem again, but for the moment, the Appropriations Committee has adopted this middle ground which we hope the legislature today will approve.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: For whatever influence there might be in it, I want you all to know that I am going to vote for this piece of legislation because if we don't, if it isn't passed, on June 30th, the entire state comes to a screeching halt and then all the state people will be out of work.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: There is still one thing that bothers me. When my good friend Mr. Smith and I go back into my county, am I to say that we raise the people

in the state, but yet we haven't done a thing to the employees back in our county?

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the good gentleman from Sangerville, Mr. Hall. I think what we are doing here, we are mixing two different things together that shouldn't be mixed, one is counties and one is state. As far as the county budgets are concerned, whatever the county delegation has done from each respective county, that was what was done in that budget. Now, if your delegation from your county wanted to give your people raises in your county, they got those raises. The raises the counties got has got nothing to do with what is appearing here today in the budget as far as the state is concerned, no more than what the municipalities would do across this state by giving raises or not giving raises to municipal workers. This is not a question today of who got the raises or who didn't get the raises. I believe your county did support raises for your county officials so evidently you wanted to give your county officials raises, otherwise you wouldn't have.

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

Mr. CAREY: Mr. Speaker, I have the budget in front of me which asked at one time for some, from the Governor anyway, \$20,200,000 for debt service and that has been reduced to \$19,200,000 by the Appropriations Committee and I would yield to the Appropriations Committee's knowledge, in spite of the fact that the treasurer has said that the Governor had not proposed enough money because of higher interest rates, I would yield to the committee that they have probably further knowledge gained over the last few months than we have had but I have yet to find, Mr. Speaker, in the budget, an item that was in the Governor's budget for some \$8,800,000 for municipal revenue sharing and maybe somebody can enlighten me. That should have appeared, obviously, under the Treasurer of the State and I would certainly hope that it is somewhere in that Part I budget.

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

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I asked the same question in committee and I was assured that this revenue sharing was passed out under a different bill. I don't know what the L. D. number is, but it has been passed.

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

Mr. CAREY: Mr. Speaker, I would certainly appreciate the number of that bill and its current status.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: In regard to the gentleman from Waterville's question on debt service, he is right in addressing the question, because if you look at L. D. 805, which has the budget as it came in, you will find that debt service was put in at \$18.7 and we have put it up to \$19.2, with the stipulation that the balance will carry to the very purpose that he raised the

question on. There was a short fall of debt service and we have tried to correct that.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think that there is one area that bothers me a little bit about this and although I think I will vote for this, I would like to make some comments on it.

Under the section on education part of it I guess I agree with but I don't know as though I agree with the process that they went at, and that is to buy slots at the University of Pennsylvania for students in Veterinary Medicine. Previously, we had done this in some other areas, but we have always done it with an L.D. and at least let the legislature take a good look at the program. I think probably there is a good deal of need for this and although I think, if anything, at least it should be a supplemental budget item, I can't quarrel with what the intent is and I probably will support it no matter how it is done. I think it was done improperly this way.

I think the part that I do object to is the \$22,000 that is being given to the New England Board of Higher Education to plan for a veterinary school. Now this veterinary school is planned to be in Massachusetts at the present time. I won't say that it can't be changed, but actually the land has pretty much been located for it and if we go on with it, I don't know what we will get into. If we were involved with a veterinary school with Maine, New Hampshire and Vermont, I probably wouldn't have any problems with it, but I have watched for a great many years what has been going on in Massachusetts and I am very reluctant to get involved in any type of program in which we are involved with a certain percentage of the cost of it and which the major cost is going to be handled in Massachusetts. I can see ourselves getting into all kinds of trouble in this area.

I think that this was a mistake. It is interesting that back about two or three weeks ago, I read in the paper where the sponsor of a bill to do this same thing withdrew the bill, as he said the time was inappropriate, and then when I pick up the general appropriation, the current services budget, I find this is in there. Frankly, I don't think any part of it should be in there, I think it should be all in the supplemental budget, if it should be in there at all.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from East Millinocket, Mr. Birt, I am rather surprised today that he is taking up a small appropriation which would enable some of our students possibly to hook their kite onto a program for veterinary medicine, when he just stood up here and extolled the virtues of the State of Maine starting a medical college on its own at the University of Maine. However, we felt we have many students in this state, as you all well know, that are trying to get into medical college, trying to get into veterinary college.

I had several letters that stated that some of our good students couldn't continue on to the college of veterinary medicine, and as you know, we are a very rural state and to take it out of the dog and cat care, which we see on our own local level in our small towns, there is a crying

need for the veterinary service on the farm level with the larger animals. Now, this seemed a measure which we could, on the Appropriations Committee, support wholeheartedly at a time when we were paying for slots, not only to osteopathic medicine and the medical schools, but also that we are paying for slots to the veterinary school, so rather than fund quite as many, a request had come in at the last minute, just before the closing of the budget, in which it seemed feasible for Maine, being as rural as we are and so tight fisted for money at this particular time, to fund this \$22,000 to seek a means that we might go along on a regional New England concept for veterinary medicine and, again, I would hope that you would support it.

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

Mr. HENNESSEY: Mr. Speaker, Ladies and Gentlemen of the House: I have a very concerned interest in regards to the state, and I feel that I have the confidence in that new commissioner to carry out this budget and do a little better than just keep the store open.

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

Mr. SMITH: Mr. Speaker, Ladies and gentlemen of the House: We have a very worthy staff man who knew I was penned in by a roll call who brought in the L.D. number on the Revenue Sharing Allocation Act, L.D. 774, and it is for fifty and a half million dollars each year.

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

Mr. CAREY: Mr. Speaker, I thank the gentleman for his answer, I thank the staff for being available at a time when they were really needed and I would now ask if that revenue sharing bill has been enacted or is it waiting to be funded on the Appropriations Table?

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

Mr. SMITH: Mr. Speaker, it has been enacted, it is not on the Appropriations Table.

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

Mrs. BACHRACH: Mr. Speaker, I would like to pose two questions. My first one is relevant to that last item. That is the federal revenue sharing which applies to education, I believe, I thought that Mr. Carey was referring to state revenue sharing. My other question is, I keep hearing about a supplemental budget but I would like to inquire what the chances are of passing a supplemental budget?

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

Mr. CAREY: Mr. Speaker, Mrs. Bachrach from Brunswick is absolutely right. I have 774 in front of me and maybe my allocate to the staff is a little premature, this is not municipal revenue sharing and to clear this up, possibly we would certainly be better off and I don't know if the motion would carry, but somebody should table this until later in today to make sure that those municipalities who have planned on this money, who have put it into their budgets, who are anticipating this revenue, make sure that those municipalities are taken care of.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question of the gentleman from Waterville, Mr. Carey, isn't the municipal revenue sharing based on a formula which is 4 percent of the sales tax and the income tax revenue which automatically goes back to the cities and towns?

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

Mr. CAREY: Mr. Speaker, I appreciate the question from the gentleman and I was one of those people who worked and who was the floor leader in the passage of the particular bill and it is true but nothing is automatic unless the money is appropriated.

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

Mr. LAPOINTE: Mr. Speaker, Men and Women of the House: I am not quite sure exactly what I am going to do on the budget this morning, however, I do have a number of questions and I hope that we will have an opportunity to deal with them and hopefully they will be constructively responded to and answered.

Under the part that reflects the Department of Mental Health and Corrections, I noticed that there are a number of what we could call contingency accounts for food and fuel. I am very concerned as to whether these contingency accounts, as have been outlined in the Appropriation's L. D., are adequate.

One of my colleagues on the Health and Institutional Services Committee has informed me that some of the portions of the food, for instance, in some of our institutions has been substantially reduced. My concern really is that there is an emerging body of law developing in court cases, lower level court cases in the United States, that deals with the whole question of rights treatment. My concern then, as to the relation of this particular budget is, is this really adequate? Is this budget an adequate standard of right to treatment for the people that we do have in our institutions for the mentally retarded and in our institutions for those who have run amuck with the law and those who are in the institutions that need mental health treatment?

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In the first place, the cut in that area was not certainly that drastic, that is the first thing. Besides that, we took the All Other money and lumped it under one roof for the new commissioner. He came before us and I went before him alone for a long conversation and came away satisfied that would put all of these All Other monies so that he could plug holes where a hole needed to be plugged. As far as that, we have given him some \$567,000 for an emergency account that he can use to further straighten out emergency situations that would arise or might arise in the institutional programs.

The answer is, this is enough as far as I am concerned. If anybody in this House can come back here and tell me that the Governor now, at this time, if we pass a major tax bill tied together with several other projects of human services, state employees, the University of Maine and other programs that are not funded as they

should be funded, that he would not veto such a program, I would be delighted to vote for it. But I can assure you of one thing, that if you slap such a bill under his nose in his office, I don't think it would be in his office, I think he would be waiting for it outside of the door.

Now this bill was engrossed. It later on was hit with an amendment, it is now at the enactment stage, and I repeat myself this vehicle such as it is, is the vehicle that we have got to have in order to cooperate state government currently for the next biennium. There is nothing else that we can do but to submit it as is. We have done our level best to explain all the questions. There might be some things in it that I might not like, I didn't care too much for the certain programs like the vocational schools being cut, we have replaced some money but not enough, as far as I am concerned. We have some money left over that we can tie onto a supplemental budget, if there is assurance that there would be passage, it would be okayed by his excellency, according to that, I would go along with it.

In the meantime, we are talking about an item that would keep the store open for the next biennium, an item that will allow us to cooperate state government. If we do not enact this measure with 101 votes, state government comes to a dead halt on June 30, 1975. It is as simple as that, push with the red button or the blue button, it is your desire.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I want to take just a moment in the midst of this debate to compliment the Committee on Appropriations for the work they have done on this budget. I realize, as I am sure all of you do, that there are many programs that are not satisfactorily funded for many people in this House. You can go through AFDC and other social programs, perhaps some layouts, I don't know, but I do know that we are faced in the State of Maine with a very peculiar situation, as we are in this country, which is a situation where we have a recession and at the same time inflation. This does present budgetary problems.

It seems to me that this committee that has been working very diligently throughout these winter months have done a very commendable job and I could pick it apart, so could you, but we come down to the nitty gritty today. Here we are, this is the budget and I think they have done a very fine job.

I want to stress the fact that, after listening to the debate this morning one would think that this was a real stringency diet when, in fact, this budget is the largest budget in the history of the State of Maine. Now, of course, it doesn't seem that large because of the inflationary fact that we have had, so we aren't really being weaned too much on a budget of this magnitude and I think that we may all have to swallow a little pride and we will all have to make a few compromises but I think in the best interest of this state, we should move it on.

I know reference has been made to the fact, as one gentleman said, this shifts the burden on the working people of this state. The burdens are always shifted on the working people of this state and I am sure that if I wanted to increase this budget by another \$100 million and add a tax, that too would go on the working people of this

state. This is a healthy compromise, it is a result of a winter of hard work on the part of 10 very dedicated people and I commend them this morning and hope you will pass it at this time.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I heard a young man get up here today and address the subject of the University of Maine and I, too, love education. I have children who went to college and I have other people who I have helped to get into college, but I can tell you here now that some of our colleges have just gotten too rich for the working people to continue to support in the manner in which they are living.

I asked the accounting of \$12.5 million of federal funds approximately the third week in January. I am still waiting for that document on my desk telling me where this money was spent, dollar for dollar, and so I support this budget. I say to you, each one of you here, this is a tight fist budget and this is what the citizens have asked for. We want to give it to them and let them tell us how they like it and then we will come back in the special session, after we have seen, and I say this plane is ready to fly, all it needs is a 101 votes, a little jet fuel, let's give it to them.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: The debate this morning, in my opinion, is taking a wrong turn. It seems that people think that there is not enough money in the budget but I thought there was too much. That was one of my reasons for voting against this budget, because I felt that there was still some over-expenditures in the budget. But after hearing the debate, the way it is going, now I am going to vote for this budget.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I still have the same reservations that I had the other day on this budget. I think even now I am more concerned, after reading the paper, a statement made by the Governor and by the Commissioner of Health and Welfare in relation to the reimbursement to the municipalities for welfare costs.

The other day when I tried to put an amendment on the bill, it was said that there will be other L. D.'s that will come out and take the place of this. In the meantime, we are going to be enacting the budget without knowing what the status of these other L. D.'s is. Then I read in the paper where the Governor, with the Commissioner, they make a statement that if the state runs out of money, as far as the welfare is concerned, they will turn it all back to the towns.

I am still of the impression that we are going to give it to them, as was said in a previous speech by another gentleman, but I don't think the people want it that way. I think we are going to give it to them in the form of increased local taxes when it comes to the cost of reimbursement of municipalities by the state for the general assistance, and this is my hangup on the budget. It seems strange to me that some of these things couldn't have been either handled previous to the passage of the budget and not have to pass the budget first, then rely on what is going to happen later.

As far as keeping the store open, this is a very familiar phrase, I have heard it quite awhile, but in this case, as far as keeping the store open and the small towns are concerned, if we are going to give it to them on the reimbursement to the municipalities for general assistance on the 90 percent, then I would say that we are keeping the store open but we are leaving the shelves pretty bare. Maybe this is what the people want, maybe they would like to have their taxes picked up on the local level for the cost of their welfare, but I am not so sure, I know that my town doesn't like it and I am sure that quite a few of the other towns don't like it and maybe this is the way to give it to them but I don't think I want to.

Mr. Smith of Dover-Foxcroft was granted permission to speak a third time.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I want to clear up this question about municipal revenue sharing. The gentleman from Waterville temporarily stymied the members of the committee, we couldn't remember having dealt with it and there was a good reason for that, it isn't in the Part I Budget, it is a special revenue account that is not subject to general fund appropriations, it is an automatic 4 percent, and I don't think you have to worry about it.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: In the midst of this debate, I would direct your attention to item number one under Senate Papers on our advance journal and calendar, and that is an order that the Joint Standing Committee on Appropriations report out a bill for a supplementary budget.

We have been discussing in leadership matters that should go into such a supplementary budget, and we had discussed some of the items that have been mentioned today such as catastrophic illness or funds for cystic fibrosis or cerebral palsy or for property tax relief for recipients of SSI, and of course the committee will work and come out with a supplementary budget, at which time I believe that would be the appropriate time for you to try and express your concern and make additions or changes in that supplementary budget.

And as we are all aware, the problem is that the Governor has given us a very, very tight framework in which to work. The committee has worked successfully within that framework and anything significantly beyond that will demand a tax increase. At that point, it will be up to this body to decide if you want to go to a level of funding that will require a tax increase.

I know the gentleman from Skowhegan had made statements earlier that he would not support any tax increase, but I know he is very concerned about the general assistance problem. If we feel that we can add that to a supplementary budget and we are willing to pay for it with a tax increase, then I think we should go along with that. But I hope today that you will accept the work of the Appropriations Committee. They have worked very hard and under very trying circumstances. I know that they probably are not happy with everything that is in this budget. I know that certainly I am not, but given the realities, yesterday we went along with the Judiciary Committee and the magnificent work that they did on the criminal code, we have gone along with the Education Committee on the tremendous work that

they did on the education bills, and I hope that today you will give this budget enough votes and support the Appropriations Committee.

Mr. Jalbert of Lewiston was granted permission to speak a fourth time.

Mr. JALBERT: Mr. Speaker and Members of the House: I hardly can believe that I am up for the third or fourth time to pass a budget that would operate state government for the next two years. I would like to suggest that I have never heard or never could conceivably hear that we would pass Part II, which would be a supplemental budget, before we pass Part I to operate state government. I can't conceive that we could possibly do that.

We will have some form of supplemental budget, which can be mended up or down, which you can throw taxes up against and then you can do whatever you want to do with it.

The final agreement between the Appropriations Committee itself has very nearly finalized itself and will be submitted to the leadership and then on to you people.

And while I am on my feet, I would like to give an explanation to the gentleman from Waterville, L.D. 774 is now Chapter 40, a private and special law, signed into law.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I should reply to my very, very dear friend from Lewiston, Representative Jalbert. If my memory serves me correctly, and in this case I think it does, we do have an on-going program of 90 percent reimbursement to municipalities, and to me this would be a current service and to me it should appear in the Part I budget, so I would not be advocating passing the Part II budget for creating of new services. This is an on-going service and this is where my hangup is and this is the way I feel it should be dealt with, in the Part I and not move it ahead and deal with it in the Part II.

I would just like to make sure that he understands why I understand this is a current service and I am not advocating going backward.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to my very good friend, the esteemed gentleman from Lewiston, Mr. Jalbert, 774 is not the one we were concerned with, that is the state spending of the federal revenue sharing. However, I am extremely pleased that the Appropriations Committee has taken upon itself at this time to actually dedicate those funds which were in effect dedicated when we first passed municipal revenue sharing, and I think we now have insured that this program would continue and I would now be in a position, Mr. Speaker where I also can vote for passage.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out what seems to be an apparent error in the title of the engrossed bill in which we are supposed to be passing an act for two years, and the year is in the singular in the title.

The SPEAKER: A roll call has been ordered. The pending question is on

passage to be enacted of An Act Making Current Service Appropriations from the General Fund for Expenditures of State Government for the Fiscal Year Ending June 30, 1976 and June 30, 1977, Senate Paper 546, L. D. 1909. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Cooney, Cote, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hunter, Immonen, Jackson, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Connolly, Cox, Davies, Henderson, Hughes, Ingegneri, LaPointe, Peterson, T.

ABSENT — Faucher, Hinds, Hobbins, Hutchings, Jacques, Mackel, Peakes, Pearson.

Yes, 135; No, 8; Absent, 8.

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

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

On motion of Mr. Wagner of Orono, the rules were suspended the members were allowed to removed their jackets for the remainder of the day.

The SPEAKER: Would the Sergeant-at-Arms please escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum for the purpose of serving as Speaker pro tem.

Thereupon, Mr. Greenlaw of Stonington assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Concerning the Size of Municipal Populations in the Statute Requiring or Authorizing the Appointment of Boards of Registration" (H. P. 752) (L. D. 927) ask leave to report: that they are unable to agree.

(Signed)

Mr. BERRY of Buxton
Mrs. BOUDREAU of Portland
Mr. BIRT of East Millinocket

— of the House.

Messrs. BERRY of Cumberland
JACKSON of Cumberland
CYR of Aroostook

— of the Senate.

The Report was read and accepted and sent up for concurrence.

Papers From the Senate

The following Joint Order: (S. P. 574)

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1976 and June 30, 1977"

Comes from the Senate read and passed.

In the House, the Order was read.

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

Mr. McMAHON: Mr. Speaker, I wanted to pose a question before you put the hammer down relative to this order to any member of the Appropriations Committee or any member of this body that might care to answer it. If this order is implemented in the fashion in which it is proposed, an act making additional appropriations for the expenditures of state government for other purposes for the next two years, will that entail a tax increase to pay for it?

The SPEAKER pro tem: The gentleman from Kennebunk, Mr. McMahon, poses a question through the Chair to any member of the House who may care to answer.

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

Mr. SMITH: Mr. Speaker and Members of the House: I don't think the gentleman from Kennebunk can infer a tax increase from the title of the bill, and there are no current plans that I know of to suggest a tax increase.

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

Mr. JALBERT: Mr. Speaker, I might answer further the gentleman from Kennebunk, Mr. McMahon, but if he wants to put a 2 percent sales tax, he can draft an amendment to the bill when it hits the floor.

Thereupon, the Order received passage in concurrence.

Orders

Mr. Shute of Stockton Springs presented the following Joint Order and moved its passage: (H. P. 1693)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

The Vikings of Searsport High School
and Coach Robert L. Tufts
State Class C Baseball Champions
For the Academic Year 1974-75

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.

Mr. Burns of Anson presented the

following Joint Order and moved its passage: (H. P. 1694)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 7-E to read as follows:

7-E. Claims against the State. No claim against the State of an amount greater than \$2,000 shall be in order for introduction unless in the form of a bill or resolve authorizing a suit against the State. Claims against the State of an amount of \$2,000 or less shall be submitted to the Executive Council for its consideration under the provisions of Title 5, section 1510.

The Order was read.

On motion of Mr. Rolde of York, tabled under the rules pending passage.

House Reports of Committees

Leave to Withdraw

Mrs. Miskavage from the Committee on Judiciary on Bill "An Act to Clarify the Statutes Relating to Criminal Offenses under the Initiative and Referendum Process" (H. P. 322) (L. D. 396) reporting "Leave to Withdraw"

Mr. Lunt from the Committee on Transportation on Bill "An Act Granting the Maine Port Authority Certain Powers with Respect to Acquiring, Operating and Leasing Certain Railroad Equipment" (H. P. 1193) (L. D. 1489) reporting "Leave to Withdraw"

Mr. Dam from the Committee on Local and County Government on Bill "An Act to Phase out the Present Form of County Government, Transfer its Functions to other Government Units and to Direct the State's Advisory Commission on Intergovernmental Relations to Make Recommendations to the Special Session of the 107th Legislature" (H. P. 1445) (L. D. 1819) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mrs. Berry from the Committee on Transportation on Bill "An Act to Authorize Bond Issue in Amount of \$10,900,000 for the Highway and Bridge Improvement Program" (H. P. 744) (L. D. 916) reporting that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Authorize Bond Issue in the Amount of \$13,600,000 for the Highway and Bridge Improvement Program" (H. P. 1684) (L. D. 1929)

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-703) on Bill "An Act to Require the Payment of AFDC Benefits for Unborn Children" (Emergency) (H. P. 1608) (L. D. 1887)

Report was signed by the following members:

Mr. MARCOTTE of York

— of the Senate.

Mrs. GOODWIN of Bath
Messrs. JALBERT of Lewiston
LeBLANC of Van Buren
SMITH of Dover-Foxcroft
CARTER of Winslow

— of the House.

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

Report was signed by the following members:

Messrs. HUBER of Cumberland
AGAHDGAN of Aroostook
— of the Senate.
Messrs. GARSOE of Cumberland
MacLEOD of Bar Harbor
— of the House.

Reports were read.

Mr. Smith of Dover-Foxcroft moved the House accept the Majority "Ought to pass" Report.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: As you reach your decision on what you are going to do on this L. D. this morning, I would like to give you a little background as to why I signed "Ought not to pass". I am not going to take too much of your time, because it must be obvious that this seems to be split on political lines, and I assign that to a philosophical point of view.

If I can take you back to the early days of this session, and we have heard some remarks connected with the budget touching on it, that there was a great outcry, especially in the area of the Department of Health and Welfare and to what was actually going to happen to the programs under the budget restrictions, and I want to at this time commend the Commissioner of Health and Welfare, Mr. Smith, for his, what I would regard, open and forthright and gutsy approach to a problem when he was surrounded from all sides and being criticized and having his work done for him and the facts being quite fairly put out that he couldn't do it. This also was a concern of the committee and he was questioned very closely on how he intended to perform, and he gave us four areas that he intended to bring about what I would call reforms in an effort to upgrade this Department and make it a more effective device for delivering what we all want, which is services to the people who are in need.

He listed four areas; one is rateable reduction. The gentleman from Portland this morning has touched on it already. He is, quoting the catch phrase and I have to admit it is catchy, "Robbing from the poor to pay the poor," but it is a device of redistributing income, in my opinion, to those in greater need from those in lesser need.

The second proposal he had was to correct the error rate in ADC. Currently it is running about 30 percent in a \$50 million program and making us eligible for something like \$3 million in penalties if it wasn't corrected. There was opposition to this. You may recall the legislation which came through here just a short time ago actually implementing the positions that hopefully are going to correct this.

The unborn children payments, he proposed to stop, and if I could just briefly outline this for you, it seems that last August a court order directed the department to begin payments to individuals with unborn children. An ADC mother with one live child becomes pregnant, at the end of her second month her payments are increased on behalf of the unborn child in the same amount that she would get for a live child. An individual becoming pregnant and not an ADC mother but requiring assistance, at the end of the second month would receive payments the same as the ADC mother with a live child. The Commissioner felt, and I support his position, that this was in

equitable, that the situation really didn't call nor justify this type of an approach, inasmuch as we were, by doing this, underfunding and depleting the resources available to everyone on ADC. So this was his third proposal, to attempt to reallocate the money to do more for the people in the greatest need.

The fourth proposal that he put before us was that he was going to begin to track down absent fathers and make them come up with their obligation. As yet, we haven't had very much opposition to that, and I think perhaps they hadn't been organized by the very nature of their situation.

I support every aspect of the Commissioner's plan, and I insist that from the testimony we have seen and heard that he is going to effect benefits for the people in greatest need.

The Human Services Council, which was set up by this legislature to act as an advisory group to familiarize themselves with the aspects of delivery of human services recently endorsed this proposal of rateable reduction. This, to me, is significant because this is a group that contains in its membership citizens from all walks of life. They are not a department organization; we have two legislators attached to that committee as representatives, and I regard them as one of our greatest assets as we attempt to find our way through this maze of governmental regulations, federal funds, state funds, the intermix, it defies the understanding I have of the average legislator at least, and so I am placing a great deal of faith in the recommendations of this group, but on this last one, the situation of unborn children, we find an L.D. coming in now to prohibit the Commissioner from implementing this reform, and I would hope that on the basis of the fact that if we have a Commissioner who says he can bring this Department into line and to improve the lot of the people who are having trouble, we should give him this support.

Once we start closing the door and, incidentally, there were efforts made on every one of these other approaches, except the absent fathers, to stymie him, and these have all fallen by the wayside. I insist they have fallen because people who may have had these fears began to see in this man a determination and ability to bring this department into line, to carry out its mandated functions and as time goes on, I will predict that we are going to see that he will be one of the best Commissioners of this Department that we have seen for a long time.

I hope you will oppose the Majority Report and accept the Minority "Ought not to pass."

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Men and Women of the House: First, I would like to point out that while this may appear to have been split down party lines, it never became a party issue in the Appropriations Committee, but most of all, I find it very, very difficult to understand in a legislature which voted two to one against abortion that we should even be discussing the termination of support for indigent, pregnant women.

In March, the Department of Health and Welfare terminated this program and 800 women were affected. Some now have no means of support and their only alternative again will be town assistance.

For others, the alternative will be the termination of pregnancy.

Admittedly, most will qualify for some prenatal care, but it won't be enough if they don't have proper nutrition and proper shelter.

It is a fact that poor women, especially poor young women, are the most likely to give birth to premature, sickly, physically deformed and mentally retarded children. What will the cost be later, both in terms of financial cost to the state and in terms of human suffering? Will it really have been worth the savings of \$35 a month for those women with other children and \$128 a month for those women who are pregnant for the first time?

I submit that the termination of this program was done with no thought of concern for the people involved but simply and coldly as a cost savings measure. This action by the department and this legislation to reinstate the aid to unborn children program has brought together a very unlikely coalition, but this coalition has come together in a common cause, that is the health and well being of women and their unborn children. Some of the members of the coalition are the Human Relations Service, the Maine Children's Home for Little Wanderers, Maine Conference on Human Services, Maine League of Women Voters, the Maine Right to Choose, the Maine Right to Life, St. Andrews Home, We Who Care, Maine State Nurses Association and Maine Nurses for Life, and I would ask the members of this House this morning to join that coalition.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Members of the House: I would like to concur with the remarks that have been made by the Representative from Cumberland, Mr. Garsoe and state just a few of my thoughts along with the gentlewoman from Bath. I know she is very emotionally involved in these programs and she does a tremendous job in her defense for all of the welfare programs, having sat with her for the first time on Appropriations and Financial Affairs, and I would concur with her statement that this did not come out as a party line issue, it just happened to end up that way when we signed the bill.

However, I would like to read into the record here this morning a note to clear up any doubt that might be in your mind as to the legality or what the federal says about this program, and I would read: "Why the state paid mothers of unborn children AFDC in the first place. Last August, a District Court ruling was made that Maine must treat unborn children as a dependent child and therefore a potentially eligible member of an AFDC family. Applications were made and payments were started to eligible pregnant mothers as a result of that court decision. In March, a U.S. Supreme Court decision indicated that Maine would no longer have to pay mothers of unborn children and as a result of that decision the Commissioner of Health and Welfare ordered Maine's programs stopped. You must understand, I am going to break in here and just give a few points on the new commissioner that we have and I think that Representative Garsoe has touched on them very ably and I don't want to prolong this along. Here we have a department, the most massive thing that we have here on the state level, spending \$112 million every two years,

with programs going everywhere, almost like an uncontrollable flood, it seems like to me, at least, coming from a small business and a small town. You had a new commissioner who stepped in who wanted to try to set the record right and get some of these back on an even keel and try to do the program equitably for all the people concerned.

These were one of the measures that he stopped. It was estimated that the 800 cases of mothers with unborn children were costing Maine's AFDC program \$1 million annually and, of course, here again, we have one of those state and federal matching programs on a 70-30 basis so it is very tempting to keep it going because you are putting out so much and you are getting back that money from Washington. Subsequent to the decision terminating AFDC payments to unborn children, Commissioner Smith was summoned to the U.S. District Court in Boston on a contempt charge. The court found that he was not in contempt, that he had, in fact, acted legally in the interests of the state.

I would hope that at this time we could set certain things in their priority and rights in line, and could accept the position that we have taken on the "Ought Not to Pass" Report.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The first time that I ever heard of this program on unborn children was when I got a telephone call from my town manager. He was quite upset because there was a lady in his office who had just been terminated by this program by the state and was now applying to him for general assistance. To emphasize the non-partisan nature of this subject, I should state that my town manager is a very conservative Republican, in fact, he was a candidate against me in the election. He did want to emphasize to me his great concern over the fact that these particular cases would be put back on the town. It seems to me that we had some debate on that this morning, the whole question of general assistance. There does seem to be a definite direction in this administration in putting these costs back on the town.

I hope you would vote to keep this bill alive today. Perhaps that we would take a position ourselves to reverse this direction and have the state assume the cost rather than putting back on the towns and on the property tax.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: At the risk of making this really now look partisan, I have to stand because philosophically I have something to say myself. Earlier in the debate this morning, on the Part 1 budget, several statements were made concerning problems in Aid to Dependent Children. I believe the matter was discussed, on several occasions there was discrimination, I think the gentleman from Portland, Mr. Connolly, brought this out and that, in his remarks, shall we say, referring to rateable reduction and taking away from one and giving to another and so forth. I just cannot for the life of me, understand how this isn't discrimination of the rankest order. It seems to me that a pregnant girl, to get the same amount of money, as a woman with one child, four or

five years old, eating peanut butter sandwiches and jelly sandwiches every day, it seems to me that there is a vast difference in the cost. I would think that in all truthfulness that to even the program out would, in effect, do what Commissioner Smith wants to do, which is to give to those who are in greater need. I stand here as one this morning who believes we should do that. We should level out these programs through rateable reduction and through the determination of this program to assure ourselves that those who really are in need, and those who have two or three living children get a great share of the money available for AFDC programs than those who do not have children or are just pregnant should not receive it. It seems to me it is just that simple and a time when you have limited resources that those who have the greatest need should get the greatest amount and I certainly favor the minority report of this.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Members of the House: As has been said, the courts have decreed that the state is not responsible for payments for unborn children. Although I do not agree with the statements made in the past by the advocates of abortion, that a fetus is not a person, I can not see the need for this L.D. and move indefinite postponement of this bill and ask that you vote with me.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: What we are talking about here are 800 women who will not any more receive AFDC payments for their unborn children. There are about 400 women that will be affected by this who would not qualify who are not on the AFDC program because they would be pregnant for the first time. Now what the commissioner has reserved for these some 400 women is \$55,000. Admittedly that is not very much so they are going to ask these women to exhaust every resource at the local level before any of this money will be given to them. If they get any help at all it looks like it is going to be under general assistance because \$55,000 isn't going to do very much. If we would pass the bill, I think there is \$150,000 appropriation which is matched three to one, and that would help all the women, even those that are on AFDC.

I went along with the rateable reduction because apparently there are some inequities in the AFDC program and it would have helped, I think it benefited 11,000. 11,000 would receive some cut and 1,000 was sort of in limbo which is what our contingency fund was for. These people in the AFDC program are getting nothing out of the legislature this year. They are presently at 60 percent of 1969 levels as the standard of living, which is very low. I think this is a minimum amount to give for those women who do choose to have their children. I hope you will vote against indefinite postponement of this L.D.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I haven't been in here for a few minutes but I haven't heard anything said about why these women can't work. There are many pregnant women that are working, they work right up to the time they have their children. I

see no reason, just because they are pregnant, that they can't work. There are women who are struggling to get along with their families, their husband, they have to work and I see no reason why these women can't.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: In response to some of the remarks that have been made, I don't want anyone here to think that these people are being cut loose without any assistance whatsoever. The mothers on AFDC, who become pregnant have all of their prenatal and delivery care cost taken care of. For non-AFDC mothers, the first time pregnancies under 21, are eligible under Medicaid for the same type of benefits. Non-AFDC mothers over 21, may apply for and receive at the time of delivery, and then, obviously, they automatically come under AFDC and their delivery associated bills are taken care of. Non-AFDC mothers becoming pregnant over 21, who are eligible for SSI are eligible for Medicaid. Actually in the final analysis, there are from the department's figures about 55 individuals who would be without any type of assistance from that department. These are the people who would indeed have to rely on general assistance, or on the so-called V-Six program that the gentlelady from Portland referred to, Representative Najarian, and this would only be available to help them in some of their immediate predelivery expenses.

I don't want this to be construed as a heartless turnaround but I would portray it as the fact that, are we, because of a limited number of individuals who may come on general assistance, going to force the commissioner to implement a million dollar program? This is where the balance comes. You are either going to take care of all of them with cash grant payments or you are going to follow the minority report, or even better, the indefinite postponement route and say that we will deliver the payments in the area of prenatal and delivery care and those individuals at the far end of the line will be eligible for the V-Six Program and or general assistance. I would also note that we are funding now, we are funding in this budget, and we have in the past, other programs in addition to V-Six which are administered by the Department of Health and Welfare, the St. Andres Homes, with now three locations devoted to exactly this type of problem and the New England Home for Little Wanderers. So, I just don't want you to think that this is a cold hearted throw away or turn away, that there are other avenues available and that this makes sense when you compare it with a million dollar budget out of an already lowfunded, according to all the opponents, a lowfunded ADC program.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this bill along with the gentlewoman from Bath, Mrs. Goodwin and the gentlewoman from Portland, Mrs. Najarian. I would just like to go over a few points to explain to you that the issues as they are being presented, and I think there is a little bit of a cloud put over them and I think it is easy to misunderstand it. You have heard from the opposition to this bill that it is really an attempt to try to be

fairer to try to run the AFDC program in a fairer manner, with limited resources. I would suggest to you that that is simply a rationalization for the fact that money is being cut from the unborn children's program. That argument was not introduced when it was initially learned that the commissioner was going to stop funding for the program. It is my understanding, I have got it from the department, I have got it from people who were involved with working with women who have received benefits under this program, that the principal reasons that the money was cut or that this program was cut was an attempt to save money so that the total AFDC budget would not have to be increased when the caseload, itself, increased over the next two to three years.

The gentleman from Cumberland, Mr. Garsoe, touches on a very important issue when he makes the argument that nobody is trying to be heartless. I agree with him, I don't think that there is anybody trying to be heartless. The overwhelming testimony that was presented at the hearing and it was agreed to by people from the department, including the commissioner, that when you stack up the benefits that a pregnant woman would receive under the Unborn Childrens Program and compare them with the possible alternatives that the woman and the fetus in her womb are much better off under the Unborn Childrens Program. There was considerable evidence that was presented at the hearing and in writing from medical people that showed the effects of a good diet and good nutrition for the pregnant mother. That seemed to be the point that was emphasized by people who want to see this program continued. They didn't feel that enough would be able to be done through the alternatives that were suggested. I would just like to point out that the Commissioner of Health and Welfare, Mr. Smith, told me that he would support this program and that philosophically he agreed with it and had no problems with it if the legislature would simply go on record as supporting it and include the money to fund the program.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the gentleman from Cumberland if I might. Granted, many of the women who are presently on the program probably would not be affected since they will still continue to receive their AFDC benefits. We are very concerned about those women who are pregnant for the first time, perhaps for some reason either cannot find a job in this time of unemployment or have a problem pregnancy and cannot work. Yes, women under 21 will qualify for medicaid, but only medicaid, they will not get any support at all. Women over 21 will have their delivery paid for, but if they have been denied prenatal care, it may be a very sad delivery indeed. The commissioner, at first, promised that these women would be given three months retroactive AFDC upon the birth of their child. He has now reneged. If a woman is to qualify for SSI, she must be disabled and the disability requirements under SSI are very stringent. V-Six moneys are very limited and up until this time, they have been diverted for other purposes and I would submit that the best program we could have for these women would be to continue them on AFDC. Mr. Speaker, I would request a roll call.

Mr. Garsoe of Cumberland was granted permission to speak a third time.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the remarks that the commissioner would implement this, if ordered to by the legislature, I would think, would really need no elaboration obviously. I would just like to point out to you that when this was ordered by the court last March, it was not funded by the legislature, it created a drain that resulted in the deficit that we are facing here right now. The commissioner has had certain motivations assigned to him and I think this should help to spell it. He is perfectly agreeable to perform this function if it is determined by the legislature that he should but it is going to have to have more money than is on this bill right now. He insists that this is a million dollar program that calls for an appropriation of \$350,000 a year. I believe it is \$150,000 a year on it now.

I am sorry to have spoken three times.

The SPEAKER pro tem: A roll-call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call 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 pro tem: The pending question is on the motion of the gentlewoman from Old Orchard Beach, Mrs. Morin, that the House indefinitely postpone Bill "An Act to Require the Payment of AFDC Benefits for Unborn Children," House Paper 1608, L.D. 1887, and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Birt, Bowie, Burns, Call, Carpenter, Churchill, Conners, Curtis, Dam, Dow, Durgin, Dyer, Farnham, Fenlason, Finemore, Garsoe, Gauthier, Gould, Gray, Hewes, Higgins, Hunter, Immonen, Jackson, Kauffman, Kelley, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, MacEachern, MacLeod, Martin, A.; McBreaarty, McKernan, McMahon, Mills, Miskavage, Morin, Morton, Palmer, Perkins, S.; Perkins, T.; Pierce, Quinn, Raymond, Rideout, Rollins, Shute, Snow, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Usher, Webber.

NAY — Albert, Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Byers, Carey, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Davies, DeVane, Drigotas, Farley, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Mahany, Martin, R.; Maxwell, Mitchell, Mulkern, Nadeau, Najarian, Norris, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Rolde, Saunders, Silverman, Smith, Spencer, Talbot, Theriault, Tierney, Tyndale, Walker, Wilfong, Winship, The Speaker pro tem.

ABSENT — Cote, Doak, Dudley, Faucher, Greenlaw, Hinds, Hutchings, Lynch, Mackel, Peakes, Pearson, Wagner. Yes, 70; No, 69; Absent, 12.

The SPEAKER pro tem: Seventy having voted in the affirmative and sixty-nine in the negative, with twelve being absent, the motion does prevail.

The Chair recognizes the gentlewoman

from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I move that you reconsider and hope you vote against me.

The SPEAKER pro tem: The gentlewoman from Old Orchard Beach, Mrs. Morin, having voted in the prevailing side now moves the House reconsider its action whereby the bill was indefinitely postponed.

Mr. Kelleher of Bangor moved that this be tabled until later today.

Mr. MacLeod of Bar Harbor requested a division on the tabling motion.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: A parliamentary inquiry, I understand there was an item specially assigned for eleven o'clock this morning. If that is the case, I would think that we would have to table this until later in today's session, wouldn't we?

The SPEAKER pro tem: The Chair would answer in the negative.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In any event, we would have to dispose of this matter.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled later in today's session pending the motion of Mrs. Morin of Old Orchard Beach to reconsider. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Norris of Brewer requested a roll call vote.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call 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 pro tem: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled until later in today's session pending the motion of the gentlewoman from Old Orchard Beach, Mrs. Morin, that the House reconsider its action whereby this bill was indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry P. P.; Berube, Blodgett, Boudreau, Bustin, Byers, Carey, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, DeVane, Drigotas, Farley, Flanagan, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jacques, Jensen, Joyce, Kany, Kelleher, Kennedy, LaPointe, LeBlanc, Lynch, Mahany, Martin, R.; Mitchell, Mulkern, Nadeau, Najarian, Norris, Pelosi, Peterson, T.; Post, Powell, Rolde, Shute, Smith, Spencer, Talbot, Theriault, Tierney, Twitchell, Tyndale, Usher, Wilfong, Winship.

NAY — Ault, Bagley, Berry, G. W.; Birt, Bowie, Burns, Call, Carpenter, Churchill, Conners, Curtis, Dam, Doak, Dow, Durgin, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gauthier, Gould, Gray, Hewes, Higgins, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelley,

Laffin, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Morin, Morton, Palmer, Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Rideout, Rollins, Saunders, Silverman, Snow, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Torrey, Tozier, Truman, Walker, Webber.

ABSENT — Dudley, Faucher, Greenlaw, Hinds, Hutchings, Peakes, Pearson, Perkins, S.; Wagner.

Yes, 65; No, 76; Absent, 9.
The SPEAKER pro tem: Sixty-five having voted in the affirmative and seventy-six in the negative, with nine being absent, the motion does not prevail.

At this point, Speaker Martin returned to the rostrum.

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

Thereupon, the Sergeant-at-Arms escorted Mr. Greenlaw to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: In view of the fact that we had quite a few people out in the hall at the time it happened, I would just like to tell you what we are voting on now, is on reconsidering Mrs. Morin's motion to indefinitely postpone the bill, which did succeed. I hope you will all vote against her.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair if I could because I was one of those out of the room while the debate was going on. If we don't reconsider and eventually pass this bill, are there costs that will eventually be passed on to our smaller communities in the form of general assistance?

The SPEAKER: The gentlewoman from Owls Head, Mrs. Post, poses a question through the Chair to anyone who cares to answer.

The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: The answer is yes, because many of these women will have no other place to turn except to town assistance. In fact, the gentleman from York, Mr. Rolde, has already given us an example of a woman who has already been in his town for assistance. Many women will have nowhere to turn except to the town office.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I must rise to correct that answer or at least add my version of it because we had already discussed that earlier and I have lost my notes but what we are talking about is a million dollar ADC program as balanced against the possibility of 55 women not having any kind of support from the Department of Health and Welfare's own program. There is a V6 program, we have the St. Andres Home Program, we have the New England Home for Little

Wanderers, we have a rounded schedule of assistance for people having this problem. This is not throwing it out in the cold and you will, we have heard this has already happened, you are going to have people coming for help under general assistance but they will be nowhere compared to the type of program we are talking if we put this through today. I ask you to keep those priorities in mind.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: To repeat the remarks that I made earlier, for anyone who wasn't here, the first time I heard of this program was because I received a call from my town manager who had a woman in his office who had been terminated from this program and she was now going to go on general assistance in the town and the town manager, who is a very concerned gentleman, was very upset and then you add to this the fact that the towns are being asked to pick up approximately \$3 million in general assistance. This is going to be a burden on the towns. I think you should think about that when you vote on it.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I have a letter here from Robert Wiley, Director of the Bureau of Health and Welfare, in which he says, dollars allocated to regions are obviously limited. He is talking about V6 program, which has \$55,000 available for approximately 400 women and therefore other resources will be explored by the client and social worker for payment of some of the services needed, such as Title 20, Medicaid and General Assistance for room and board, and he admits several times in here that the \$55,000 is very limited funding for this program.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Very quickly, I think from the remarks of the gentleman from Cumberland, Mr. Garsoe, you could misinterpret the price tag on this bill when he talks about a million dollars. It is true that over the biennium, it would be a million dollars, \$300,000 of that would be state money, \$700,000 would be federal money. The price tag on this bill is \$150,000 for each year of the biennium.

And the second point, first to repeat what I said before, at the hearing we stacked up how many benefits a woman would receive under the Unborn Children's Program as compared with all the possible alternatives and there was clearly no question, both in our minds and in the minds of the department, that a pregnant woman would benefit more under the Unborn Children's Program as compared with V-6 or St. Andres Home or any other program.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to speak but I notice that they said a \$150,000. Ladies and gentlemen, it would cost you \$102,400 a month for this program, if I was given the proper figures this morning, instead of the 800 out of the program. Well, 800 at a \$128 a month, that is the first payment for anyone with one child, or expecting one child, \$128, that would be \$102,400 a month, multiply it by

12, and find out what your program is going to cost. Someone said a million dollars, I believe Mr. Garsoe, and he is nearer right. If they do go to the towns, general relief today, after you reach a total amount, which all towns do, it is paid by state, it is coming out of the state program. The only thing is, if they aren't given this, there is a possibility they will stay in their natural homes and get by without any help or go to some of these homes that Mr. Garsoe has mentioned.

I think we would be opening up a door for another big amount of money on the AFDC, and although I am in favor of helping them out all we can, I am worried a little this morning about what this program will amount to.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I believe the gentleman from Portland just pointed out that we are not talking about just state money, we are talking about state and federal money and, also, not all women are receiving \$128 a month, some are receiving only \$35. I would also like to point out that the arithmetic that the gentleman did is rather faulty unless he knows some women who have been pregnant for twelve months.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I thought your glaucoma was bothering you this morning. Since we are all repeating our speeches for those errant children who were in the hallway when the initial debate went on, I think perhaps I ought to say mine again too. My point is entirely different from what has been said here. In my conversations with Commissioner Smith, and I think he is attempting to do a very great job, is that he is trying to, through rateable reduction and this program here, take and give more to those who are in greater need and take away from those who have less need. What we are saying here this morning is that if you do away with this program, he is going to have more money to give to the living children of a mother who has to provide peanut butter and jelly sandwiches every morning and every noon. What we are saying is that we are transferring through rateable reduction and through this program more money to the woman who has living children. It doesn't seem fair to me that a woman who is pregnant get \$128 a month and a woman who has a child, a living child, five or six, gets the same amount of money. I think we have to consider that in our considerations on this measure. It is not just a matter of how much it is going to cost or who is going to pay what, it is also a matter of equity. It is giving to those who have a greater need and it seems to me that those who have living children have a greater need than those who have no children at all but are pregnant. I think that that is the consideration we must make.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Let's get down to the nitty gritty of this bill. Remember what Mrs. Morin just said, that some of the people backing this bill do not recognize the person so what we are doing with this bill?

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for rising again but the average is 800 and I would like to inform the young lady that I was told one time by a doctor in Houlton, a very fine doctor, after some lady had mentioned someone having a new baby after they had been married two weeks, he said, a baby can come along anytime after 15 days, the first one, but after that the average is nine months.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very, very briefly, I won't go into the good or bad of this but I think that the commissioner, in his action, because there was no legislation, took the action he took. I don't think the commissioner would object if the legislature, in its wisdom, wanted to pass this and fund it. The reason the commissioner did what he did, just to follow along with what my good friend the minority floor leader said, he cut the program out because it had never been directed by the legislature or funded directly by the legislature and this bill does exactly that. This bill allows the legislature to make this determination, and if they determine that they want to do this, then they come up with the state funds to match with the federal funds in order to continue this program.

The figures that I have heard thrown around here this morning, I am a little concerned with some of the facts, because certainly if the only place to take care of these people is in special homes and the woman happens to have another child, what do you do with that child, do you put that child in a foster home and put her in a special home? It is thoroughly confusing to me, and as tight as money is, I would hope that any mother would have those minimal funds to properly sustain her during the course of pregnancy. I don't think that any of us in the state are that broke that we can't consider a person about to become a mother.

Mr. Garsoe of Cumberland was granted permission to speak a third time.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I only wish to respond to the misunderstanding of the gentleman from Brewer. He posed a question as to what happens to an ADC mother with a child who becomes pregnant, and this is the least affected individual because this person gets all their prenatal care and the delivery, they are on ADC and the only change will be, as compared to the lady with two live children, she will not get the same amount of money as the lady with two live children. She will receive all of her prenatal and delivery expenses.

The SPEAKER: The pending question before the House is the motion of the gentleman from Old Orchard Beach, Mrs. Morin, that we reconsider our action where by this bill was indefinitely postponed. The Chair will order a division. If you are in favor, you will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Jalbert of Lewiston requested a roll call vote.

The SPEAKER: In order for the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in

favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Old Orchard Beach, Mrs. Morin that the House reconsider its action whereby L.D. 1887 "An Act to Require the Payment of AFDC Benefits for Unborn Children" was indefinitely postponed. Those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Byers, Carey, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, DeVane, Dow, Drigotas, Farley, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingengeri, Jacques, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Lynch, Martin, R.; Maxwell, Mills, Mitchell, Mulkern, Nadeau, Najarian, Norris, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Rolde, Saunders, Smith, Talbot, Theriault, Tierney, Twitchell, Tyndale, Walker, Wilfong, Winship, The Speaker.

NAY — Ault, Bagley, Berry, G. W.; Birt, Bowie, Burns, Call, Carpenter, Churchill, Conners, Curtis, Dam, Doak, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Garsoe, Gauthier, Gould, Gray, Hewes, Higgins, Hunter, Hutchings, Immonen, Jackson, Jalbert Kauffman, Kelley, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; McBreairty, McKernan, McMahan, Miskavage, Morin, Morton, Palmer, Perkins, T.; Pierce, Quinn, Raymond, Rideout, Rollins, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Torrey, Tozier, Truman, Usher, Webber.

ABSENT — Faucher, Hinds, Peakes, Pearson, Perkins, S.; Wagner.

Yes, 71; No, 74; Absent, 6.

The SPEAKER: Seventy-one having voted in the affirmative and seventy-four in the negative with six being absent, the motion did not prevail.

Sent up for concurrence.

The Chair laid before the House the following matter assigned for 11:00 a.m. today:

House Divided Report — Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-706) — Minority (5) "Ought to Pass" as amended by Committee Amendment "B" (H-707) — Committee on Business Legislation on Bill "An Act to Revise the Laws Relating to Financial Institutions" (H. P. 831) (L. D. 1134)

Tabled — June 10, by Mr. Rolde of York.

Pending — Acceptance of either Report.

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

Mrs. CLARK: Mr. Speaker, I would move that the House accept the Majority "Ought to Pass" with Committee Amendment "A" Report and would speak to my motion.

The Chair recognizes the same gentleman.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: L. D. 1134, that thick bill, that legislative document which accurately reflects the report of the Governor's Banking Study Advisory Committee was heard at four public hearings before the Committee on Business Legislation. All of you here in this chamber received, during this session, this yellow report and if you do have it available, I would suggest that perhaps you might find it good reading during the debate this morning.

As the Chairwoman of the Committee on Business Legislation and a signer of the Majority Report and as an individual legislator, I stand before you speaking strongly in favor of L. D. 1134, An Act Relating to Financial Institutions. L. D. 1134 is a product of two and a half years of work and studies by the Banking Study Advisory Committee, a 26-member citizens group appointed by Governor Curtis to revamp and modernize the state's banking laws. The committee has done an outstanding job and has presented a legislative package designed to make the state's financial system more competitive and responsive to the needs and interests of the state. It has sought and, in my personal view, achieved a careful balance between financial institutions in this state and between financial institutions and the public.

The members of the Business Legislation Committee unanimously agreed that an excellent job has been done on L. D. 1134 and it deserves to win favorable approval by this body.

We have before us today, two reports from the committee, both signed "Ought to Pass", both reports incorporate essentially all the recommendations of the Governor's Study Committee. There exists, however, three general areas of difference between the Majority "A" Report, which accurately reflects the unanimous report of the Governor's Banking Study Advisory Committee and the Majority Report "B", which will undoubtedly, be addressed in later debate this morning.

The single crucial area of difference between Report A and Report B involves family checking accounts for thrift institutions. The difference is not rather these institutions should have these powers but rather the terms upon which thrift would be permitted to offer family checking accounts. Both reports clearly recognize that thrift institutions must have access to the payment system if they are to remain competitive in the rapidly arriving world of electronic money transfers. The role of these institutions as family financial centers and as providers of home mortgage finance makes it imperative that they have checking accounts to attract and retain family savings.

For the privilege of offering family checking accounts, both reports require that thrift institutions maintain for the first time the same cash reserve requirements against their deposit liabilities as are assessed commercial banks. Report B requires a second condition, namely, that those thrift institutions electing to offer family checking accounts reduce the rates they pay on their savings accounts from the current federal maximum of 5½ percent to the 5 percent maximum rate that commercial banks are permitted to pay under federal law.

While the argument of rate equality has a certain intuitive appeal, it overlooks several important considerations which render the requirements completely unacceptable. First, deposit rate ceilings are set by federal regulatory authorities, there is nothing this state can do to raise the commercial bank maximum by one-quarter percent to thrift institution levels; it can only lower the ceiling rates. The differential in favor of thrift imposed by the federal authorities is designed to assure thrift institutions gain family savings for home mortgages.

Even if it were possible to equalize deposit rates without penalizing small family savers at thrift institutions, it would be undesirable to do so immediately. This concern is embodied in the financial institutions act of 1975, sent by President Ford to the Congress this spring. Under the provisions of this act, federally chartered thrift institutions would be given full checking account powers, business as well as family, in addition to other lending and investing privileges. However, the one-quarter percent differential would not be eliminated with the granting of these powers but phased out over a five-year period.

The federal act clearly recognizes that thrift institutions need time to adjust to broader loan and checking account powers and that eliminating the differential immediately could have an adverse effect on housing.

A second reason for maintaining the differential is that Maine law would limit thrift to family checking accounts. Commercial banks would retain the exclusive privilege to offer checking accounts to business firms and for professional individuals for business purposes. Commercial bankers and others testified at the Business Legislation Committee hearings that it is corporate accounts, not individuals accounts, which contribute chiefly to the profitability of commercial banks. The success of even the smallest banks in this state rests on their ability to serve the business community. This is the traditional role of commercial banks and it remains so today.

A third reason why the differentials should not be removed is that it would penalize small savers at thrift institutions in the state, those very persons have limited investment options and can ill afford a reduction in their interest earnings. It is estimated that the rate reduction could cost savers at thrift institutions more than \$4 million in interest and dividend income.

Finally, imposing the rate reduction condition on thrifts probably will mean that they won't offer family checking accounts. Therefore, Report B is an unworkable proposal and defeats the purpose of permitting thrifts to offer families checking accounts. The public loses all the way around. For these reasons which I have stated, I feel that Report A better serves the public interest of all the citizens of this state and would urge you to support the motion on the floor.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In speaking to the bill, the House chairman said that they had spent two and half years, and I am surprised that they were able to resolve

this problem in such a short period of time. On the national level, it has taken much longer and they have not been able to get an agreement between the saving institutions. Now, I am not going to argue against the checking account, that to me is not the problem.

Perhaps, I should identify myself first. I am a director of a medium-sized, independent commercial bank and I have been concerned by the trend in banking regulations, innovations throughout the nation. When a bank holding device came into being, it concerned me, because I recognized that down the road there were going to be problems and belatedly the federal reserve system is coming around and having the same reservations about the bank holding device.

What has happened in the State of Maine? You have to treat history as something vital. If you ignore it, you are going to make the same mistakes and we all do it, we make the same mistakes over and over, we don't seem to learn from what history should teach us. What has happened in the State of Maine since the bank holding companies have come into operation? Where there were several dozen independent banks serving small communities throughout the state, they have now dwindled into a mere handful and the commercial banking in the State of Maine now rests within six or seven large banking units.

Look at your own small community. Do you have a small independent bank locally managed, locally run, community oriented? What has happened during the last tight money crisis? Did some corporate headquarters miles away from your community decide what the lending practices would be of the bank in your community?

What is going to happen to the savings institutions? They are going to be allowed to merge and you are going to see the same thing happen in savings institutions as has happened in the commercial institutions. You are not going to have locally operated and controlled savings institutions. They are going to be swallowed up the same as the independent commercial banks have been swallowed up and you are going to lose that local touch that is needed in a small community, people concerned about their own community and not being recognized as a faceless computer number in a corporate headquarters or operations room miles and miles away.

Neither Committee Amendment "A" or Committee Amendment "B" is the route that I think this State of Maine ought to take. You are going down a road in which you cannot come back to where you started because conditions are going to occur over the next few years that will make it impossible to retrace your steps. You are going to have large, a few large commercial banking units, you are going to have a few large savings institutions in the State of Maine, and you can see the trend that has begun by the name changes in the savings price institutions, they are getting ready for just what I say is going to happen. I am not going to make any motion, but I simply would like to point out and have on record my concerns.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: For the past 72 hours, I have been involved in both sides of Report A and Report B and I have tried to analyze in simple matters what the

difference in these two reports might have an effect on Maine.

It is my understanding, and if I am wrong, I hope somebody from the committee will explain the difference here, but in Report A I have been told that this will allow the savings banks and the loan associations to have checking accounts and the interests rates would remain the same.

With Report B, it is my understanding, that the savings accounts and the loans associations may get into the checking account and that the daily deposits would have to drop from 5¼ to 5 percent the same as commercial banks. In Report B, this would not affect the 90 day or the certificate accounts in the interest rates they would remain the same in the savings banks.

In my understanding, if I have a checking account in a commercial bank, and I have a savings account in a savings bank and my savings bank does not elect to get into the checking account, this will not effect me in any way. If they do elect to get into the checking account my interest rate at that savings bank would drop to five, that is with Report B.

There is one part to this piece of legislation I wish somebody from the committee would explain is the reciprocity agreement concerning out-of-state banks doing business in the State of Maine. Maybe somebody could explain that.

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think there is only one implication to be drawn from that provision. Money for Maine is going out-of-state. You are not going to have money flowing in from out-of-state to the State of Maine. Don't kid yourself.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I did a very quick count a few minutes ago and I think there are about 60 or 65 people in here. This is a major piece of legislation that for a whole year is going to affect everybody in the State of Maine, their availability for credit and the whole sort of thing. I would request a roll call on this and anything else we can get to get people in here. I think people should listen to the debate on this and should be aware of what is going on.

The SPEAKER: Mr. Jackson of Yarmouth has questioned a quorum. The Chair will order a vote. Those present please vote yes.

A vote of those present was taken.

The SPEAKER: The Chair would declare there is a quorum present.

Mr. Pierce of Waterville requested a roll call vote.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I think the impression has been left by the gentleman from Livermore Falls, Mr. Lynch, that commercial banks have not been active in the preparation of the report of the Governor's Banking Study Advisory Committee and as a member of that committee who has served for two years, I want to assure you that that is not correct.

The composition of that committee has

not been brought to the attention of the House this morning. I would like to take just a few moments to read through the membership of that commission so that you will fully understand that this was a commission that was, in fact, an independent study commission that involved members who were representatives of all of the types of financial institutions that we have in the State of Maine as well as consumer interests, as well as people who were regarded as neutrals on the committee. Just let me read you the list: Mr. Richard Baldwin, who is the President of the Federal Loan Building Association of Portland; Mr. Sam Barouche the Executive Director of Combat Inc.; Mr. Richard Berry, State Senator, Cape Elizabeth; Mr. John Donaghy, former Representative of this House; Mr. Peter Driness, Executive Vice President of Metal Tec. Inc., Biddeford; Mr. John J. Flaraty, President of the Colonial Industrial Bank of Bangor; Mr. George W. Prince, President of the Penobscot Savings Bank of Bangor; Mr. Avon Pulsifer, President of the Franklin County Savings Bank of Farmington; Mr. John Robinson, President of the First National Bank of Farmington; Susan Colkens, Executive Director of Pine Tree Legal Assistance Inc. of Portland; Mr. Gerald Culp, an attorney in Portland; John M. Daigle, President of Casco Bank and Trust Company, a commercial bank; Mr. Charles E. Dailey, Executive Vice President of Augusta Savings and Loan Association; Mr. Theodore DeVoe Managing Director of the Maine Credit Union League of Portland Mr. Patrick Flynn, President of the Moosehead Kineo Corporation of Rockwood; Armand J. Fortier, former State Senator of this Legislature from Rumford; Mr. John F. Grant, Chairman of the Board of the Merrill Trust Company of Bangor; Mr. Wallace M. Hazelton, Chairman of the Board of the Depositors Trust Company, Augusta; Mr. Robert R. Matheson, President of the Maine Savings Bank of Portland; Professor Donald T. Savage, Professor of Economics of the University of Maine in Orono; Paula G. Sawyer, Attorney of Sawyer and Sawyer in Augusta; Theodore Turncliff, President of the Aroostook Trust Company of Caribou; Mr. Elliott Wadsworth II, Chairman and Treasurer of Conifer Industries Inc. of Cape Elizabeth.

I think from the membership of this committee, you can clearly establish that this was not a banker's committee, it was not a consumer's committee, it was a well-balanced independent study commission of highly qualified people who met on dozens of occasions to consider the issues that are presented in this bill.

The guts of those issues have been presented here today. You have all been lobbied on them. I think the point that I would like to make is that these issues have not been lightly considered by either the commission or the committee. I think that the majority of the committee, the vast majority of the committee, is persuaded on every issue that the commission has presented.

Governor Curtis, when he established this commission, two years ago, was concerned about several things. He was concerned about the growing concentration of economic power in financial and other sectors of the economy. He was concerned about the trend towards large corporations with plants and offices in other states. He was concerned about

the data processing revolution which was leaving much of our Maine banking systems behind the times. He was concerned about the changes in the securities industry, concerned about the development of new forms of credit, to which Maine banks could not respond, he was concerned about the emergence of new types of financial institutions and the entry of traditional institutions into new businesses via holding companies and other methods. He was concerned about the growing public and organized consumer groups, who were designed to deal with unfair and inefficient financial services, problems that had been brought to his attention by such groups. He was concerned about the recognition of persistent regional economic lag and concerned that savings are exported from this state to financial institutions in other areas. These were the basic concerns that were brought to the Governor's attention and the reasons for this establishment of this Commission.

I would point out to you that the commission has dealt with every single issue that has been laid before it, and more besides, because many issues were brought in by the experts on that committee. This was a unanimous committee, it was not a divided report as we often see here in the legislature. It was a unanimous commission that recommended this to the Business Legislation Committee.

I hope that you will take this under advisement when you consider the comments that have been made by several others here today. I don't want to take any more time of the legislature, I am sure you have been well lobbied on the gut issues here, but I think that if we should happen to lose this bill today that the opportunity to put Maine banks into the 20th Century, to leave our archaic bank laws behind, will be lost, the pressure is simply too great, I hope that you will endorse the work of the Governor's Banking Study Committee, endorse the same recommendation of the Report A of the Committee on Business Regulation. I think the work is so weighty, the reasoning is so impeccable in all of these documents that you would be remiss if you were to go against the committee and the commission here this morning.

Mr. Lynch of Livermore Falls was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: After the last speaker, I would just like to have the record straight. I have a high regard for all the gentlemen who served on the Bank Study Committee, but I think I am entitled to disagree with them philosophically and that is where we split.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I don't know which way I am going to vote on this thing. I have been in and out of the room and I am concerned about one particular aspect of it and that is, the aspect as it relates to municipal financing and the borrowing of money as tax anticipation money. I, for instance, am concerned that if the savings banks are allowed to have checking accounts and they can still offer the higher interest rates than commercial banks can, then they may be reducing the level of demand deposits that some commercial banks have, to a point where these banks would have to charge a higher interest rate as they bid on the municipal tax

anticipation borrowing. If that is the case then, in effect, we would be losing out at the local level. If the problem has been addressed or was brought up to the committees attention, I would certainly like to know, if at all, what happened at the committee level if there was discussion on this particular point because, in effect, it does affect each and every municipality that does borrow for tax anticipation.

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

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: Commercial Banks' growth in deposits in the years 1971 to 1974 increased 32.5 percent. Growth in deposits of savings banks during that same period increased 31.5. I would think that would suffice as an answer to the gentleman from Waterville, Mr. Carey.

The commercial bankers, during the public hearings, have made much and are still making much in the halls recently, of the decline in the commercial bank share of not only deposits but of the states deposits. Almost all of those changes, which I have heard alluded to occurred during the years 1950 and 1967. There has been very, very little change in the past seven years. As a matter of fact, in the last three years, commercial banks have actually enlarged their share vis-a-vis savings banks and savings and loans and associations.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take this opportunity to tell you why I signed the "Ought to Pass" Report A on L. D. 1134. Before the first public hearing was held on this bill, my inclination at that time, was not to handle the bill at this session but to refer it to further study because of its length and complexity. However, after the first hearing on the bill and after two subsequent hearings, I am convinced that this bill should be enacted in this session with the Committee Amendment suggested under Report A.

Essentially the committee amendment proposed under Report A, is to make technical corrections in the bill. The substantive changes in the committee amendment as compared to the original bill, recommended by the banking study commission are very minor. First, I must admit that I was greatly impressed by the quality of work done by the banking study advisory commission and that the dedication which these 26 people had during the two years in which they worked on the report and drafted the bill. The whole approach by the commission was a professional job and, in my opinion, very well done.

At the outset, the commission hired an expert to study the banking systems in Maine in order to analyze its strength and weaknesses. Based upon that study, the bank study commission made its own report which was distributed in August of 1974. After the report was issued, the commission retained a Washington Law firm to redraft L. D. 1134. One of the reasons they hired a Washington Law Firm was to make sure the lawyers working on the bill had no conflict of interest either in political or business in regard to this subject matter. What

appears before you today is L. D. 1134, actually, is the third draft of this bill.

The reason that I have decided that this bill should be enacted is that I am convinced the bill is very well drafted and very well thought out. Quite frankly, I do not see how the Business Legislation Committee afforded to study the bill further could make any real improvements in this bill as it appears before you now. The thing that convinced me that we should act on this bill this session is the technological revolution which is taking place in the banking industry today. This revolution is not something that is going to happen in the far distant future, it is, in fact, going to start here in Maine this fall. What I am speaking of is called EFTS which is the Electronic Funds Transfer System. Because the technology which is going to be available for the transfer electronically is so close, it is absolutely essential that all financial institutions have the availability to enter this system in a variety of ways.

For example, in the mid-west, there is a program now underway which enables bank customers to make deposits and withdrawals and other money transfers through an electronic terminal located in supermarkets throughout a wide marketing area.

Beginning in October of this year, Social Security checks and other government payments will be made to recipients and other beneficiaries in Maine via EFTS. The Social Security recipients, for example, will receive his payment through a money transfer electronically credited to his account from the Federal Reserve Bank to the recipients bank account. The need for savings banks and savings and loan associations to have family checking accounts is compounded by EFTS, in that studies to date with direct deposits of Social Security Checks indicate that the recipients elect to have their payments credited to a checking account rather than a savings account.

Without checking accounts, the thrift industry will be precluded from participation in the payment system which ultimately will extend to civil service, railroad retirement, veteran's and employee's salary payments being issued by the federal government.

This program started in Georgia, in November 1974. So far, approximately 95 percent of the recipients who participated, have deposited their money in commercial banks. The reason is that thrift institutions in Georgia cannot offer family checking accounts. I am convinced that some commercial banks very much want to see this bill at least delayed as long as possible so that they will have the competitive edge in attracting the new Social Security Checks in Maine.

As we all know the thrift industry is a source for consumer financing and most home mortgage financing. The statistics which were presented to the Business Legislation Committee clearly indicate to me that in the last three or four years, savings bank deposits have grown at a much slower rate than commercial bank deposits. The reasons are numerous but I am convinced that one of the reasons is that savings banks and savings and loan associations are prohibited by state law from providing their customers with full consumer services. For example, in the year 1974, in the Greater Portland area, savings banks deposits increased by 1.48 percent. Savings and loan associations

deposits decreased by 4.39 percent and commercial banks deposits increased by 10.61 percent. It is clear that the commercial banks in 1974, in the Greater Portland area, increased the market share at a substantially greater rate than the thrift industry. This was the case even though the thrift industry is allowed under federal law to pay a one quarter more percent on deposits.

The reason that commercial banks are attracting more of the savings deposits is because of the convenience of having both the family checking account and a family savings account in a commercial bank. Some commercial bankers say that Report A discriminates against them. In my view, this is false because this bill grants commercial banks many exclusive powers which thrift institutions are not granted. This includes corporate business, municipal, philanthropic checking accounts for our trust powers and the ability to operate under the bank holding company set up. As a matter of fact, right now, I would submit to you that thrift institutions are themselves being discriminated against because they are not allowed to offer their customers the services that they desire.

The United States Congress created the one quarter percent differential for a good reason, that is to attract money to those institutions which finance home mortgages. As far as I am concerned, even though until very recently, I have been a director of a small commercial bank, there is no way that I could vote for a bill which would, in effect, deny savings banks and savings and loan associations the right to offer checking accounts or deny their depositors some \$4 million a year in interest which they are now receiving for, if in 1974, all the savings banks and savings and loan associations which are now paying 5½ percent to the depositors paid 5 percent, that \$4 million is what they would lose. Another reason I do not feel we should accept Report B is that some of the commercial banks right now are not even paying the maximum allowed them under federal law. For example, Canal National Bank only pays 4½ percent. However, if you have both your checking and savings accounts with them, they pay 5 percent. One bank, Liberty National Bank in Ellsworth pays 3 percent to their savings accounts. In Bar Harbor, there are two commercial banks which coincidentally both pay only 4½ percent. I believe in the free enterprise and competition. Being a small businessman I know that the small banks, just like the small businessman, will survive and prosper if they provide good service. Personally, I think that many of our citizens in Maine would be better off with a little more competition between the thrift institutions and commercial banks in some areas.

Another reason I am supporting this bill, is because I feel the bank holding companies which now control about 70 percent of our commercial bank deposits would be regulated by the State Banking Bureau to the extent allowed under federal law. I think that this regulation would protect the small independent commercial banks from any unfair deceptive and illegal business practices conducted by the bank holding companies. It is not right for a large bank holding company to attempt to drive the small commercial bank out of business.

This bill, in Section 241, safeguards the small commercial bank from unfair and anti-competitive practices. It also

prohibits in Section 242, deceptive advertising of financial services, also in Section 243, it provides tie-in arrangements requiring bank customers to take a second service as a condition of obtaining a first service.

Another improvement the bill makes in the present law, is it requires the bank superintendent to hold hearings before making a decision and requires him to make his decision in writing and state the reasons for his decision. I think these provisions assure due process of law for all people doing business in the banking department and are extremely important.

As I am sure you are aware, savings banks, savings and loan associations, credit unions, as well as some commercial banks, all support Report A. The major area of disagreement is in regard to the commercial banks opposition to thrifts having family checking accounts in addition to their opposition to the one quarter percent differential in interest rates of which seven commercial banks are not taking advantage of right now. Having attended all of the hearings held by the Business Legislation Committee, I am convinced that the commercial banks, except for Depositors Trust and Casco Bank and Trust, are opposed to checking accounts for thrifts because they want the state to protect them from any further competition.

I would like to draw your attention to something that I was not aware of until this morning, and that is in Report B, they have taken out a very important section. You look on Page 5 of Report B, it says amend said Bill in section 1 by striking out all of Paragraph B of Subsection 2 of that part designated 242. What that does is it completely guts the bill on deceptive advertising. Right now it says, if an entity is already issued or published such an advertisement or representation the superintendent may order that the entity to take such affirmative corrective action as he deems necessary and appropriate under the circumstances for the purpose of informing and protecting the public and other interests. That is what another section that Report B has deleted out. In other words, the superintendent can cite any wrong doing but he can not take any action to correct it. I submit that is not in the best public interest.

You have been handed a sheet distributed at the requests of my good friend from Mapleton, Mr. Rideout. I would like to go through that sheet with you, if you don't mind, and clear up maybe a little deceptive advertising right here. It says the very first thing, the commercial banks share of total deposit market in Maine has steadily declined over the past 20 years. I would hazard a guess that this is not because of their ability not to compete but because of the increase in the last 20 years, we are talking about 20 years now, I am not talking about 5 years, I am talking about 20 years ago, when there probably were very few credit unions and savings banks at that time and they have grown, no question about the savings banks and credit unions have grown the last 20 years, and 20 years ago, I think that the commercial banks were quite dominant in the field. Now, if you look under new powers proposed by L. D. 1134 on that same page, it says mutual savings banks and savings and loan associations Item 1 says personal checking account powers with interest rate advantages, well, this has nothing at all to do with the bill, if you don't accept Report B because it

is all set by the federal government. Numbers, 4, 5 and 6 having to do with consumer loan powers and expanded commercial loan powers and higher loan limits are very minimal changes over what is existing there now. It is not substantive at all. Under new responsibilities, the Maine commercial bankers have seemed to leave out a few of the new responsibilities that Mutual Savings will have. You could add on there, after number 3, you could add on number 4, which is a mandatory retirement for their directors, I believe. The Superintendent of Banks and Banking could also be critical of the sociological composition of the board and the corporators will have to report all business arrangements and they will have to be identified.

Now stockholders of commercial banks are not able to do that. Under number 7, the new powers proposed in L.D. 1134, under mutual savings, they are saying that mutual savings will have interstate banking. That is not true, interstate banking refers only to the bank holding companies and subsidiaries of which commercial banks are the only members.

If you look under commercial banks, they have kind of deleted a few that might also be added there under what their new powers are. You could add three, they have exclusive trust powers, exclusive business in corporate checking accounts which the savings and loan associations, savings banks, will not have and they also have the ability with the bank holding companies. Under new responsibilities, they have added that this bill calls for officer removal powers, that's nothing new, that's something that is regulated by the FDIC. Turn over to Page 2, under Item 3, advantages of Committee Report B, number 3, it says those thrift institutions who do not want to offer checking accounts can still have their competitive advantage.

Well, I submit to you, it is shown there is not a competitive advantage at the present and there will not be one in the future. Under section 5, talking about customer choosing to move this checking account to a thrift institution where its expanded powers would receive the same interest rate that is available on savings at a commercial bank and that's not, in some cases, true because southern commercial banks, as I've said already, do not pay the maximum amount of interest that they could pay and they want to cut the savings bank back one quarter of a percent which will cost the consumers in business in the State of Maine, \$4 million a year and I don't think that's fair.

I would hope that you would support Report A and if a roll call has not been asked for, I would so move.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to commend the gentleman from Scarborough, Mr. Higgins, on gathering together material which certainly has the backing of expertise which he has consulted on this bill. Number 1, I am deeply disturbed by this bill because it has been studied federally for ten years and they were not able to come up with a conclusion and here we are, after six months study, being confronted with a problem of this magnitude and reflecting on the economic stability of the State of Maine.

Number, 2, I have been a severe critic of

the banks over the last 16 years. I have been in these Halls because of the fact I don't think they have met the needs of the small businessman, in any way, but I've also reflected in the last couple of years on their material gains to their stockholders.

Number 3, I don't see how any legislator in this House unless he has a great deal more information at his hands than I have, can come to a conclusion in this problem today. The small national bank in the State of Maine has been the backbone of the economic position of the businessman in the State of Maine over a great many years. Today, I can see that the small national bank is going to be confronted, with a problem I don't see how he can overcome. He's going to be confronted with the problem of competition, I don't see how he can overcome.

Let me give you just an illustration, perhaps in the form of naivety which might be the average mind of a layman looking at the banking situation. I went over to the savings bank last week and made a deposit, then I had to make a deposit in the national bank so I got in my car and drove over to the other side and made my deposit, in the national bank. This was merely the inconvenience, the only thing that I can see in the difference between the savings bank and the national bank. Now, the national bank is not feeling very well about the requests of the savings bank to have the privilege of a checking account, now this is one of the basic arguments for the passage of Report A, but let us go back to the small national bank who has to exist and provide its stockholders with some kind of a return every year. If he can't have an open competitive position to get the business that he needs to pay these stockholders, he isn't going to be in existence very long.

Another thing that I've been disturbed with is this, is the big banks suddenly swallowing up the small national bank by the opening up of branches in every supermarket or in every other convenient place that they can have. These problems are problems that I've been struggling with over a few days. This has been a well lobbied bill with no reflection on these gentlemen who have lobbied these bills because they have been perfectly fair in presenting the arguments to both sides. They still have not convinced me that this will not hurt the average small national bank throughout the State of Maine and this is why I am going to support Report B.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I, like the gentleman from Livermore Falls, am the director of a small commercial bank and there is just one or two things I would like to correct, I'm not going to make any motions but I would point out in the remarks of the gentleman from Dover-Foxcroft, Mr. Smith, that he would indicate that this bill must be passed, then apparently he feels that Report A is the only way that it can happen, but I would point out to you that Report A and Report B are almost identical, there are many pages in each that are identical and the only substantive change is one slight one in the board and another one which is the maximum and most substantive change which is the interest rate between savings accounts in commercial banks and savings banks.

Another, I think, erroneous question that

he might have given you, and I'm sure he didn't intend to, was that by my definitions, the report of the Banking Study Committee was not what I would consider a unanimous report. It is my understanding that the way this report was obtained was that each section of the report was voted on and if it was supported in the committee, then it became part of the bill so that any one section of this bill may well have had people who objected to it and further, it's to the best of my knowledge that no final vote was ever taken on the complete bill as such or the complete report of the committee, so I'm sure a little digging would indicate that there certainly were some dissenters to one or more parts of the report of the Banking Study Committee.

That's all I have to say except that I think in this state and in this business and our business structure, we do try to be fair and it seems to me what is asked for here in Report B is only reasonable because what we're asking for here is that if you wish to have personal checking accounts, then the personal savings accounts will be getting the same interest rate. It has no effect upon the rates that the savings and first institutions pay on anything else except personal savings accounts and so what's sauce for the goose should be sauce for the gander, I urge you to defeat Report A so that we can support Report B.

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

Mr. JALBERT: Mr. Speaker and Members of the House: If anything at all in this day and age, there must be something, a little liberty in anything and I'm not going to debate this issue but I really, being very, very familiar, having attended a school at a very young age, a Prep school in Farmington, I really enjoyed the remarks of the gentleman from Farmington, Mr. Morton, who is a dear friend of mine, when he said I am a director of a small commercial bank in Farmington, one of the most highly successful oldest best banks with a fantastic asset in the State of Maine.

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

Mrs. CLARK: Mr. Speaker, Men and Women of the House: to clarify a point, which has been raised by the gentleman from Farmington, Mr. Morton, I will read to you from a release, released today from the Governor's Banking Study Advisory Committee. 'Robert E. Mitchell, Chairman of the Governor's Banking Study Advisory Committee announced today that the 26 member committee voted overwhelmingly in favor of the Majority Report, Report A of the Business Legislation Committee on L.D. 1134 "An Act Relating to Financial Institutions". A poll of the study committee members over the past weekend showed that 20 supported Report A, two members voted for Report B and one member refused to participate. The three remaining members could not be reached for their vote.

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

Mr. SMITH: Mr. Speaker and Members of the House: In response to the question of the gentleman from Farmington, Mr. Morton, I would like to point out that I have just checked with the guy who keeps the records on those meetings in the commission. There was, in fact, a vote taken, the very end when all of the substantive portions had been individually

adopted, there was a vote taken on the entire report, not only that, there were two weeks given for any individual commission member who wished to write a dissent and have it enclosed in the final report of the commission. So, I think that as of the time the commission got through with its work, it is not an untruthful statement to say that it was a completely unanimous report, certainly there was all of us who had certain parts of it that we were not thoroughly happy with but it was a unanimous report and there was no one on the commission at that time who felt that there was anything substantial enough deserving of a dissenting individual report.

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

Mr. JACKSON: Mr. Speaker and Ladies and Gentlemen of the House: There are three things I would like to comment on. I've talked quite a bit with many people from the banks and people on the committee on this and one of the claims of the banks, particularly the commercial banks is their lack of input into the study. I would point out to you, they had three members on the study board, if they did not consult with those three members, I think this is a mistake they made. They will admit that they did make this mistake and that they feel they should have more input into it but they did have input into the committee this year and testimony in front of the committee. The savings banks took full advantage of this study and did consult as a group of banks instead of individual banks in the study. On the interest difference, it's interesting to figure out one-quarter of a percent on a hundred dollars is 25 cents, on \$1 thousand, it's about \$2.50. This is an attempt to hold money in the savings banks and I'd point out to you that the savings banks themselves use this money for home mortgages, loans on homes, something that commercial banks don't get into generally. I think it's very important that we keep the state liquid so that homes are sold and that money does change hands for homes, not only as a broker, which I suppose is my personal interest, but I think this is important to the growth and welfare of our state.

Electronic banking is certainly coming, it has been tried out by the Bank of America in California, it's been tried in Atlanta with mixed results and it is coming here, particularly the federal government, getting into it and once the federal government gets into it, I'm sure the large insurance companies will jump into it, too. Therefore, I would argue that the one-quarter percent doesn't level things between the commercial banks and the savings banks. It actually will give the commercial banks the competitive advantage here.

One last thing, I think we should consider and both sides claiming this and it should be in our consideration on the vote here. It has been claimed that the savings banks, if Report A is accepted, will go to kill the bill. I have had a letter from one of the presidents of the commercial banks saying that if Report A is accepted, he will move to kill the bill, excuse me, I may have turned that around, if Report B is accepted, the savings banks will be out to kill the bill so we have both groups here so lined up saying that if the game isn't played their way, they will try to kill the bill and I think the preponderant evidence, the need for liquid money in the state, the

need for home mortgages and all, I hope very much we will accept Report A.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I have sat patiently here listening to the debate, the banks on this side, the banks on the other side. I now rise and ask you to support Committee Amendment "A". I am concerned about my people and I feel my people are the ones that stand to lose the \$4 million. I feel it's my people that go out and get that mortgage from the savings bank. I have gone there four times for mortgages because in my lifetime my family expanded that fast and I urge you to vote for Committee Amendment "A".

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I've listened with a great deal of interest to the pros and cons of the financial manipulation of banks but that isn't the point that interests me. I am thinking of the territory where I come from on the eastern end of the state where these elderly people and workers tried for years to put money in a savings account, now they are becoming old and they are becoming crippled. If they hire a taxi, it's a \$5 bill each way but if they have any children, they can write a check against the savings account and send their child down and get that cashed and bring back the money. I'll support A.

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: After listening to my good friends, the last two speakers, I'm not convinced that there isn't any issue here we can't bring a motion into if we want to. I think maybe I would like to make a couple of points since I am on the committee and since I did sign the Report B and to tell you why I did.

This report, as you know, this Bill, is 187 pages long, has been over two years in the study by 26 professionals and, as an end result, it comes to us on the committee, 13 amateurs and I'm sure this is rather frustrating to bankers on both sides that we are really going to make the final decision and then we, in the legislature, are going to vote on this but that's the way the system works and they will certainly have to live with that.

I rise today really to make two points, one which I mentioned is why I signed B which I'll tell you in a minute, but the main point which I want to make, and I hope if you don't listen to anything else I have to say, I hope you'll listen to this one point, that not one member of that committee voted that this bill should "Ought Not to Pass", not one member and that may not be important today but we've seen bills bounce back and forth between Houses and we've seen strange things happen, so I hope you'll just remember that because there may come a day and there may not, but there may come a day in the near future when there is some movement afoot to kill this entire bill and I'm going to say something now which some of you may interpret as being rather politically naive and maybe it is, I choose to think maybe it's just being honest and that is that if the report that I signed, Report B is not accepted by this legislature, I will certainly go along with Report A because I think that this bill is good for the people of the State of Maine and I want above all else to stop people from killing it. I signed

Report B for a couple of reasons. First of all, as you have been told, the interest on savings accounts, the maximum is controlled by the federal government and not the state government and at one time, they were allowed to have one-half cent difference for savings institutions and which has now been lowered to one-quarter of a percent. Well, there is one thing on which I think most everybody agrees and that handwriting is on the wall that in the very near future one or two years, three years or whatever, that one-quarter of a percent is going to disappear. That's regulation, too, out of Washington, there's nothing we here in the state can do about it so at some point in the not too distant future, it would appear that the percentage is going to be eliminated. Therefore, I ask myself "do I want a great number of the banks in this state to oppose this bill by supporting "A" or am I willing to concede that one point and have probably 90 percent more of the banks support the bill by supporting B?" As you can see, I felt that that concession was not too big to make. I think one thing which pleases me is both the savings people and the commercial people, one thing you haven't heard and you've been lobbied by them both hard, is that none of them probably as far as I know, have asked you to kill the bill and I hope they'll remember this after its accepted today and I felt that the thrift institutions could live with A or B, naturally they would be happier with A but could live with A or B. The commercial people on the whole couldn't live with A and they were going to fight tooth-and-nail to kill the entire bill if B wasn't accepted, so to get everybody together, to get everybody working for the good of the State of Maine, I signed B and I'm going to stand by it. I think it's the thing to do. There is also one thing which I should mention here, it's been pointed out that this is a savings or thrift institution versus a commercial issue and to a large extent that is true but there are also many other factions involved. I've talked with small savings and loans who support Report B, I've talked with small commercial banks who support or don't support the bill at all, there certainly are many small commercial banks going to be harmed if Report A is adopted. They won't be able to compete with either the savings institutions or the large commercial banks since they depend on these personal checking accounts more than the others do and there are approximately 16 of these small community banks which I feel would be compelled to merge with larger institutions or go out of business, probably it would be through merger.

So, I guess I would just like to finish up by supporting "B" but I would once again, point out that I do first and foremost support this bill and I hope that whichever side is adopted, the others aren't going to say we are going to pick up our marbles and go home, we are going to work to kill the whole bill and I hope you'll remember that, that this is a good bill.

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

Mr. DeVANE: Mr. Speaker, would a motion to indefinitely postpone acceptance of Committee Report "A" be in order?

The SPEAKER: If the gentleman wishes to move indefinite postponement on the entire bill, he may do so, otherwise, it is not in order.

Mr. DeVANE: I would oppose acceptance of Committee Report "A" and

speaking. I would speak first in response to the comments of the sponsor of the L. D., Mr. Smith, on the composition of the study commission. It seems to me it's a good deal like the Army cook when asked what was in the stew, said it was "horse and rabbit stew, one horse, one rabbit". I think that three commercial bank representatives when you think in terms of the dollar volume that perhaps they represent in the state in terms of business transacted was to my way of thinking, inadequate. I would invest also Mr. Smith's urging of this House to accept the vast majority report of the Committee on Business Legislation which is, in fact, I think, 8-5, and if my memory is correct, Mr. Smith joined a report the day before yesterday from the Committee on Business Legislation in which was "Ought Not to Pass", 9-4, and I believe Mr. Smith joined the 4.

So, I would ask each of you to consider for yourselves the merits of supporting the majority or minority report as I think Mr. Smith does, as we all do. The report of the Governor's Banking Study Advisory Committee was carefully done, it is, it represents a great deal of work. I join Mr. Pierce of Waterville in commending the study and in commending those who participated in it and offer, as he did, support for whichever report is ultimately accepted by the legislature but I would point out and I believe it is correct that the report ultimately did not address the matter of the interest rate differential and, if it did, I would ask Mr. Smith or somebody to rise and say that it did. I am told by at least one member of the Study Committee that the majority of the committee declined to request at least footnote the matter of the interest rate differential and now, if you would, I would speak for one moment on the matter in which the L. D. which resulted from this study was brought before the Business Legislation Committee.

A number of us are new, a number of us are novices, and I think all of us feel very responsible for what we do on that committee. The Senate chairman of that committee told the members, prior to the first bank hearing, that this is a very comprehensive legislative document. It addressed the composition of and the powers of every financial institution in this state. It will require great study, we will be here several times throughout the summer to study this L. D. This first hearing will be an introduction and, in fact, when it was held, there were many of us on the committee that thought it would be and we heard broad philosophical arguments as to what was best for the people of this state in the regulation of banking. Within a day or two after that hearing, ladies and gentlemen, we were told that, and I know from not where it comes, perhaps leadership of one party or another, or perhaps both, I don't know, that this bill was going to be reported out and we were going to get at the business of reporting it out, which frankly suited members of the committee who went enthusiastically at the business of studying this report. It was a change of gear and it was a change of pace and I think it's to the credit of some of the minority members who signed the minority report that additional hearings were held because I think there was sufficient sentiment to boot it out that afternoon but there were a couple of additional hearings and there was additional testimony and, at that time, we got down to where it's at. After the additional hearings and after the

additional discussion, there were work sessions and I would report to you with great candor and complete honesty that this L. D. that the entire committee was told was darn near perfect, maybe a few typos, darn near perfect and really ought to go out the way it is. We have commenced, based upon this additional testimony, to talk about amendments, and the majority of the committee on Business Legislation virtually adopted every amendment offered by the thrift institutions and perhaps they should have. But I would like you to know they did. From that, ladies and gentlemen, we went to the superintendent of bankings amendments and recommendations and virtually adopted every one of them.

The third step was the consideration of offered amendments on behalf of the commercial banks of this state. Needless to say, little, if nothing, was adopted. At that time, some members of the committee felt that an additional report would be in the interest of the people of this state and we informed the majority of the committee that we were working on an additional report. Nine amendments were offered. I think it is to the credit of the minority who worked on it and to the credit of the majority of the committee that signed Report A that several of those were incorporated, one of which I would call your attention to was very simple, number one, the statement of purpose. Nobody ever read the statement of purpose of a legislative document after it became law. But if you read them before it becomes law, they tell you something about the frame of reference, the perspective of the people who have produced it.

Maine's banking laws for years, it was assumed existed that banks were regulated primarily for reasons of stability and security. The statement of purpose that accompanied the L. D. that was produced by this report, the first purpose was to make it competitive; the second purpose was stability. This isn't material, it isn't a great thing.

Some of us asked the committee if we couldn't return to at least the statement of purpose that placed stability and security above competition and competition, which is important, second. I think it is to the credit to the State of Maine and to the banking superintendent and his organization here that Maine is the only New England state which does not have a single financial institution on the FDIC's list of problem institutions. I am proud of that and I think the entire Maine banking community is proud of that. I think it is reflected in banking regulation which exists primarily for reasons for stability and security for the depositors.

We went through, there are several, I would address Mr. Higgins comment on one change in B. The original act would have empowered the commissioner to take action against fraudulent, misleading, whatever advertising which a bank had done or was about to do. Well, once again, and I apologize for it, I am one of those people that thinks that laws which tell you that something which you are contemplating or about to do shouldn't even exist. That slight change was made and a second paragraph struck — small matter. I think finally we get to the matter, the real contention. If the thrift institutions which wish to have checking accounts are going to maintain a quarter percent differential down from one half and this substantially is, as our very able House

Chairman says, this is substantially where it is at.

I would read to you from a memorandum from Mr. Gelder, the State Banking Superintendent addressing the matter of the differential which he was kind enough to provide me. The superintendent's position stated here that continuation of the one-quarter differential won't put the commercial banks at an unfair disadvantage vis-a-vis the person that represents the superintendent's considered view. I would be less than candid if I didn't read that but I want you to know that is the gentleman's opinion and I have a great and abiding regard for him. I would point out another sentence, paragraph 3-D, when he refers to the differentials; here he says the differential will be eliminated in a few years, maybe sooner, and I will work personally to see that it is eliminated. Now, the Bank Study Advisory Committee did not suggest, as far as I know, that the differential be eliminated but the paid consultant that the bank advisory committee hired, I believe, did recommend and perhaps Mr. Smith would address that. Mr. Smith indicates he did not, and I think once again there is an area of question.

The Federal Hunt commission recommends and moves in that direction. For a state that has seen a great deal of proffered and offered legislation this year seeking that Maine shall lead, I would suggest that this is a very appropriate place to lead. I am told by knowledgeable people that the federal law will attend to this and will attend to it soon. I would suggest to you that if something is good that perhaps we ought to do it ourselves.

I would offer you a single statistic. The good lady from Freeport quoted, I think, dollar volume increases on deposits in banks. I would call to mind the inflation of recent years. I would point out to you that during the past 20 years or so that the thrift institutions of this state have increased, I believe, their percentages of demand deposits from 38 percent to 50.8 percent, while the commercial banks demand deposits have declined from 62 to 49. I suppose statistics tell you what you want to know.

Ladies and gentlemen, like the gentleman from Waterville who commends this great effort and will support this act in any eventuality, I would ask you to do what we are told is inevitable and desirable and to do it now and to defeat the acceptance of Report A.

Mr. Smith of Dover-Foxcroft was granted permission to address the House a third time.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: There are so many small, erroneous statements of fact going around here this morning from the supporters of Report B that I have a hard time keeping up with them, frankly, and I am sure I don't have them all down on paper.

The first thing that I would like to point out to you is that there were five commercial banks on that commission rather than three, if it makes any difference to anybody. The big point that seems to have been raised by the gentleman from Ellsworth, Mr. DeVane, is that he contends that the commissioner himself did not address the differential of one-quarter percent between savings and commercial institutions. That is simply erroneous, it is not a fact. The commission, in several meetings, addressed that point and chose to leave the differential of

one-quarter percent as it is. The records of those meetings were clearly indicated, if the gentleman would like to take a look at those records I can point it out to him in at least two or three different discussions on different days where that issue was raised. One of the compelling arguments was that it was a factor that would perhaps quite detrimentally affect the home mortgage market and that we ought to leave it as it is in the State of Maine right now. I will prove that to the gentleman, if he would like to look at the minutes of those meetings, and I will do it any time he chooses.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I would direct a question to Mr. Smith if I may. At no time did it occur to me and probably to other members of the committee to ask to see the minutes of the advisory committee study. I did not mean to state here that the committee did not address, it is my belief that the report does not address the interest differential. It didn't occur to me that under the press of hearing this bill and getting it out that any of us would be expected to go through the minutes of two years' meetings. I would ask the gentleman simply if the report of the committee addresses that?

The SPEAKER: The Gentleman from Ellsworth, Mr. DeVane, poses a question through the Chair to the gentleman from Dover-Foxcroft, Mr. Smith, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. SMITH: Mr. Speaker and Members of the House: I would point out to the gentleman from Ellsworth that the embodiment of that report which we are considering here today was L.D. 1134, which was drawn up from the recommendations of that Banking Study Advisory Commission, that does address it and it is a fact that the commission recommended that the differential be maintained. The bill is the legislative embodiment, the intent of this report and the intent of the commission. L.D. 1134, I don't think the gentleman can disagree with at this point, does anything but maintain that 5¼ percent differential.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: As the time has come for us to make a decision, I have waived for 72 hours and as of 12:30 o'clock today, I finally made up my decision: I have discussed this with commercial banks, I have had no input from savings banks, and being explained at 12:30 today, it is my understanding that Report A will allow savings banks to have only personal checking accounts and be able to keep the 5¼ percent and that commercial banks will be the only ones that will have the municipal accounts and the business accounts, and I am going to support Report A 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 and voting having expressed a desire for a roll call, a roll call was ordered.

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

Mr. PALMER: Mr. Speaker and Members of the House: Under Rule 19 I wish to be excused from voting.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, under Rule 19, is excused from voting.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: Under Rule 19, I wish to be excused from voting.

The SPEAKER: The gentlewoman from Owls Head, Mrs. Post, under Rule 19, is excused from voting.

The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker and Members of the House: As a signer of Report B, I stand before you in a very unique position. I do not hold a mortgage and I have no loans. While I was being lobbied by both sides of this issue, I found that it gave me a unique opportunity because I did not have a personal relationship with either type of institution.

There are two very brief points I want to touch on. One is that this study was based in the Hunt study, which is the federal study for this that we have had some comments about this morning. This study was based on that study. That study, of course, has not been resolved because the federal government has not been able to come to grips with the federal savings and commercial banks.

The savings banks are in a unique position right now. If they can pass this bill with Report A in the State of Maine, they will be allowed to have the infamous quarter of one percent on their side, but if the federal law passed the Hunt Commission, which our study was based on, they would not be able to have this quarter of one percent. So, in Washington, it is advantageous for them to argue against the passage and to keep it in the air for the Hunt Commission Study, but in the State of Maine, it is advantageous for them to be for Report A because this is the way they will maintain the quarter of one percent.

The second point I would like to touch on is the matter of commercial banks. It seems as though we have painted the commercial banks as the fellows in the black hats and the people from the savings banks as in the white hats. There will be no more small commercial banks with the passage of this bill with Committee Report A. The reason is the competition. I am not talking about the large commercial banks who actually supported this bill, Depositors Trust, Casco Bank, who, incidentally, handled all the computer work for the savings banks. I am discussing the small commercial bank, the small commercial bank who can give unsecured loans to small businesses and handle business checking accounts. I am talking about the small commercial bank who helps the small businessman start out in his business, that can loan to him, the man who starts a small business and gives the people of the State of Maine jobs and we need this.

In order for someone to make a lot of money on a quarter of one percent, they would have to have an awful lot in their savings account. However, if you had a choice of keeping your personal savings account in a commercial bank or in a savings bank and you could get the extra quarter of one percent by doing your one-stop banking there, you would naturally go there and this would hurt the

small commercial banks because much of his business comes from the people that have their checking accounts there and then go back to the banker they are familiar with to get their house loans. The First National Bank of Damariscotta, for instance, has 70 percent of their money tied up in home mortgages. They are a commercial bank but they are still helping out with home mortgages as well as doing the small businesses a good turn.

I hope you won't vote to put these small banks in such an uncompetitive position. I hope you will consider and consider all that has been said and consider the reasons that you are voting the way you are.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take issue with the gentlewoman from Newcastle, Mrs. Byers, in the fact that if "A" is passed there will be no more small commercial banks in the State of Maine. I think if she wants to say that, then we should say that if Report "B" is accepted there will not be any more small commercial banks in the State of Maine.

Under both bills, it provides for state wide branching by any type of institution whatsoever. That is not the question at this particular point in time, it doesn't seem to me. If you are afraid that there are not going to be any more small commercial banks in the State of Maine and you think that this bill is going to help that along, then I submit that you better kill the whole bill, which I don't think we want to do.

I am glad that Mr. Tyndale is back in his seat. I wanted to respond to a question that he raised and that was about the small national banks that are having unfair competition from savings banks or interstate banking or whatever might be coming into that municipality. I would say that any bank that wants to branch must get now and will under this bill, even more stringently so under this bill, must get approval from the superintendent of banks and banking. So, they are capable of branching today, they are going to be capable of branching tomorrow. It is the services that they perform that in fact make the bank, it is not whether they are a quarter of one percent, it just doesn't make sense to me.

I think that savings banks are tying their money up for years. They have loans on their books right now, twenty and twenty-five year mortgages, probably at three percent and they are paying five or five and a quarter for their money.

Commercial banks can turn their money over quicker. They make auto loans, 18 months, three years, they are getting 16 percent. I submit to you that if we are going to mandate that savings banks have a five percent ceiling, they are going to offer personal, and I stress personal checking accounts, then maybe we should allow them to get more into commercial fields. I think that you will see that Maine Bankers Associations, or at least those banks that are opposed to "A", come to the forefront and say they won't want that, they don't want that at all. I don't think it is fair that savings banks are tying their money up for extended periods of time and that they should be subject to this one quarter of one percent. I think we are fighting over nothing here.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker, Ladies and Gentlemen of the House: Just to clear that up, I meant there will be no new, small, commercial banks formed.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I assume that I am within my rights to vote on this bill because I don't believe it has any monetary value to me directly. I am interested in voting on the bill, not for the commercial banks, despite what Representative Byers said, associated with a bank that is going to celebrate its 100th birthday in the near future, I am certain that we can live under A or B. I am concerned that the small thrift institutions in this state are going to be back to the legislature in the very near future seeking some protection so that they can survive as locally owned and controlled institutions.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs. Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pair my vote with the gentleman from South Portland, Mr. Perkins, if he were here he would be voting yes, and I would be voting no.

The SPEAKER: The gentleman from Stockton Springs, Mr. Shute, wishes to pair with the gentleman from South Portland, Mr. Perkins. If the gentleman from South Portland, Mr. Perkins, were present he would be voting yes; and if the gentleman from Stockton Springs, Mr. Shute, were voting, he would be voting no.

The gentleman from Nobleboro, Mr. Palmer, and the gentlewoman from Owls Head, Mrs. Post are excused from voting pursuant to House Rule 19.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Freeport, Mrs. Clark, that the House accept the Majority "Ought to Pass" Report on Bill, "An Act to Revise the Laws Relating to Financial Institutions," House Paper 831, L.D. 1134. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Berry, G. W.; Berube, Boudreau, Bowie, Bustin, Call, Carroll, Chonko, Clark, Connolly, Cote, Cox, Curran, P.; Curtis, Davies, Dow, Drigotas, Dudley, Dyer, Farnham, Fenlason, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Immonen, Ingengneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, LeBlanc, Lewis, Lizotte, Mackel, Martin, A.; Martin, R.; McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Pelosi, Peterson, T.; Powell, Quinn, Raymond, Rolde, Saunders, Silverman, Smith, Snow, Susi, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Theriault, Tierney, Twitchell, Usher, Wagner, Walker, Wilfong, The Speaker.

NAY — Ault, Bennett, Berry, P. P.; Birt, Blodgett, Burns, Byers, Carpenter, Carter, Churchill, Connors, Curran, R.; Dam, DeVane, Doak, Durgin, Finemore, Fraser, Gauthier, Gould, Gray, Hunter, Hutchings, Kauffman, Laverty, Leonard, Lewin, Littlefield, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Maxwell, McBreairty, Morton, Norris, Perkins T.; Peterson, P.; Pierce, Rideout,

Rollins, Teague, Torrey, Tozier, Truman, Tyndale, Webber.

ABSENT — Carey, Cooney, Farley, Faucher, Hinds, Peakes, Pearson, Winship.

Yes, 90; No, 49; Absent, 8; Excused, 2; Paired, 2.

The SPEAKER: Ninety having voted in the affirmative, forty-nine in the negative, with eight being absent, two excused and two having paired, the motion does prevail.

Thereupon, the Bill read once. Committee Amendment "A" (H-706) was read by the Clerk and adopted, and the Bill assigned for second reading tomorrow.

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

Off Record Remarks

On motion of Mr. McKernan of Bangor, Recessed until two-thirty this afternoon.

**After Recess
2:30 P.M.**

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-700) on Bill "An Act to Define the Responsibilities of the Bureau of Labor and the Public Employees Labor Relations Board" (H. P. 1371) (L. D. 1780)

Report was signed by the following members:

Messrs. ROBERTS of York
McNALLY of Hancock
PRAY of Penobscot
— of the Senate.

Mrs. CHONKO of Topsham
TARR of Bridgton

Messrs. SPROWL of Hope
TEAGUE of Fairfield
MARTIN of St. Agatha
FLANAGAN of Portland
SNOW of Falmouth
TIERNEY of Durham
— of the House.

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

Report was signed by the following member:

Mr. LAFFIN of Westbrook
— of the House.

Reports were read.

Mr. Snow of Falmouth moved the House accept the Majority "Ought to pass" Report.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: As you know, this bill that is before us at this time, it consists of mediators for the State Board of Arbitration and Conciliation. I think that many people don't realize just what this bill is. I am for the bill, however, I was hoping that there would be a little debate

on this this afternoon because if you follow what 1780 does, the panel of mediators is to consist of not more than five nor more than ten impartial members and shall be appointed by the Governor, with the advice and consent of the Council. That is for the mediators. Then the State Board of Arbitration and Conciliation shall consist of nine members appointed by the Governor, with the advice and consent of the Council, from time to time, upon the expiration date for the term of three years. Three shall be employers of labor or selected from some association representing employees of labor and three shall be of employees selected from some bonafide trade or trade unions. The three remaining members shall represent the public interest of the state.

The purpose of my opposing this bill was for a chance for this bill to come to the floor of the House. We have two departments in labor who would seem to like to be in control of bills of this nature, and I don't believe that it is the position of department heads to go into a town or a city and tell the employees who are there that they favor this bill because of such and such a reason and it is one sided, it is their bill.

The members of the working force of Westbrook came to me, it did not know this and they explained to me that the individual who did this was in favor of this bill because it would come under his department. If the bill is not passed, it will go under the other one. I am not going to debate the bill, but I did want to bring that to the attention of the members of this House.

Now, Mr. Speaker, I will withdraw my objections and also move that it be passed.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-700) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Provide for the Maintenance of Neglected Dams and Existing Water Levels in Lakes Impounded by Dams" (H. P. 1459) (L. D. 1797)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Messrs. CYR of Aroostook
GREELEY of Waldo
— of the Senate.

Messrs. BERRY of Buxton
NADEAU of Sanford
LEONARD of Woolwich
GRAY of Rockland
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-699) on same Bill.

Report was signed by the following members:

Mrs. TARR of Bridgton
Mrs. SAUNDERS of Bethel
Messrs. KELLEHER of Bangor
LITTLEFIELD of Hermon
SPENCER of Standish
LUNT of Presque Isle
— of the House.

Reports were read.

On motion of Mr. Kelleher of Bangor, the Minority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-699) was

read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Divided Report
Tabled Unassigned**

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-702) on Bill "An Act Relating to Motor Vehicle Fees" (H. P. 730) (L. D. 907)

Report was signed by the following Members:

Messrs. GREELEY of Waldo
McNALLY of Hancock
CYR of Aroostook
— of the Senate.

Mrs. BERRY of Madison
Messrs. WINSHIP of Milo
ALBERT of Limestone
LUNT of Presque Isle
FRASER of Mexico
WEBBER of Belfast
KAUFFMAN of Kittery

— of the House.

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

Report was signed by the following members:

Messrs. STROUT of Corinth
JENSEN of Portland
JACQUES of Lewiston
— of the House.

Reports were read.

Mr. Fraser of Mexico moved that the House accept the Majority "Ought to pass" Report.

(On motion of Mr. Rolde of York, tabled unassigned pending the motion of Mr. Fraser of Mexico to accept the Majority Report.)

**Divided Report
Tabled Unassigned**

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Relating to Snow Removal on Accepted Ways" (H. P. 734) (L. D. 917)

Report was signed by the following members:

Messrs. GREELEY of Waldo
McNALLY of Hancock
CYR of Aroostook
— of the Senate.

Mrs. BERRY of Madison
Messrs. LUNT of Presque Isle
ALBERT of Limestone
STROUT of Corinth
JENSEN of Portland
WINSHIP of Milo
KAUFFMAN of Kittery

— of the House.

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

Report was signed by the following members:

Messrs. JACQUES of Lewiston
FRASER of Mexico
WEBBER of Belfast
— of the House.

Reports were read.

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

Mr. STROUT: Mr. Speaker, I would move acceptance of the Majority "Ought not to pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Corinth, Mr. Strout, moves that the House accept the Majority "Ought not to pass" Report.

The gentleman may proceed.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Possibly another motion will be made on this bill today, but

at this time I would just like to make the House members aware of what L. D. 917 will do.

L. D. 917, if it were enacted, would take the winter maintenance on town ways away from the towns so that the towns in essence would have to pick up this cost, which amounts to, in the biennium, \$1,700,000. I know that there is other legislation that will be coming before us that will hopefully take care of this matter, but I hope that we accept the "Ought not to pass" Report.

Thereupon, on motion of Mr. Rolde of York, tabled unassigned pending the motion of Mr. Strout of Corinth to accept the Majority Report.)

**Divided Report
Tabled Unassigned**

Majority Report of the Committee on Transportation on Bill "An Act Increasing Motor Vehicle Registration Fees" (H. P. 861) (L. D. 1080) reporting "Ought to Pass" in New Draft (H. P. 1692) (L. D. 1930)

Report was signed by the following members:

Messrs. GREELEY of Waldo
McNALLY of Hancock
CYR of Aroostook
— of the Senate.

Messrs. LUNT of Presque Isle
WINSHIP of Milo
WEBBER of Belfast
FRASER of Mexico
JENSEN of Portland
— of the House.

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

Report was signed by the following members:

Mrs. BERRY of Madison
Messrs. STROUT of Corinth
ALBERT of Limestone
JACQUES of Lewiston
— of the House.

Reports were read.

Mr. Fraser of Mexico moved that the House accept the Majority "Ought to pass" Report.

On motion of Mr. Rolde of York, tabled unassigned pending the motion of Mr. Fraser of Mexico to accept the Majority Report.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Greenlaw assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

**Consent Calendar
First Day**

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

(H. P. 546) (L. D. 674) Bill "An Act to Repeal Obsolete Statutes Concerning Certain Crimes" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 420) (L. D. 506) Bill "An Act Relating to Recovery and Appropriation of Penalties Recovered for Burning of Debris" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-714)

(H. P. 582) (L. D. 721) RESOLVE, Authorizing Genevieve St. Amand and

Romeo St. Amand or their Legal Representative to Bring a Civil Action Against the State of Maine — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-713)

(H. P. 1468) (L. D. 1793) Bill "An Act to Establish an Alternative Method of Support Enforcement" — Committee on Performance Audit reporting "Ought to Pass" as amended by Committee Amendment "A" (H-701)

No objections being noted the above items were ordered to appear on the Consent Calendar of June 12, under listing of the second day.

Bill "An Act to Make Certain Revisions in the Form of the State Budget Document" (Emergency) (S. P. 561) (L. D. 1927)

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

Amended Bills

Bill "An Act to Further Define and Protect Surface Sources of Public Water Supplies in Maine" (H. P. 847) (L. D. 1034) (C. "A" H-677)

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

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

Mr. DeVANE: Mr. Speaker and Members of the House: L. D. 1034, An Act to Further Define and Protect Surface Sources of Public Water Supplies in Maine is a piece of legislation I sponsored. Mr. McKernan of Bangor is not here and if he were here, he would ask these two questions and he asked me to ask the questions and then answer them. That is a little odd, but I will give very fair answers.

In fairness to Mr. McKernan, the second paragraph of this L.D. would allow municipal officers to establish regulations on the surface uses, winter and summer, of those public water supplies, and paragraph two of the L.D. says the municipal officers shall have the authority, after notice of public hearing, to adopt regulations governing the surface uses of sources of public water supplies located within that municipality in order to protect the quality of such sources of public water supplies for the health, safety and welfare of persons depending on this supply, and Mr. McKernan asked, how will the court on review, which it has the right to do, determine whether the regulations do in fact protect the public health under state law and water quality testing? I would ask a member of the House to answer that question, how will the court determine whether the regulations do in fact protect the public health? I understand the gentleman from Standish will address the question.

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

Mr. SPENCER: Mr. Speaker, in response to Mr. McKernan's question posed through the sponsor of the bill, the court would review any regulations

adopted under this act in the same manner that they would review regulations adopted by other agencies, with a view toward their reasonableness in light of the standards established in the act which relate to the preservation of the health and safety of those persons who depend on the water for their drinking water.

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

Mr. DeVANE: Mr. Speaker and Members of the House: Mr. McKernan's second question that he asked me to ask for him was why the sponsor put in this bill? I said, do you want that question asked, and he said yes. The answer is, it seemed to me desirable that municipal officials have some way to promulgate reasonable regulations which can be reviewed in order to protect for those who will come after us these surface public water supplies. And I would say that if you will refer to the original L.D., I discussed this notion with the gentleman from Eagle Lake, Mr. Martin, the gentleman from Bangor, Mr. Kelleher, and they concurred in their judgment and joined me in sponsoring this L.D., so it is something that we all thought was desirable.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

Bill "An Act to Create the Office of Ombudsman" (H. P. 267) (L. D. 315) (C. "A" H-672)

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

On motion of Mr. Shute of Stockton Springs, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendemnt "A" to Committee Amendment "A" (H-709) was read by the Clerk.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: The bill before us is a redraft of a bill presented by Mr. Jackson and some other cosponsors having to do with an office of ombudsman. The bill does not create that office. However, we have on our books a statute that created an office of legislative assistants that has never been staffed or utilized and the committee having a number of bills before us that sought to provide services to the public with regard to the filling out of applications, cutting through red tape, finding reference information as far as which departments provide which services, the committee felt that we could take a positive step by enlarging on that law slightly, making it a little more definite as to what the constituent service office would do and providing the staff for it. I believe we did put an appropriation on the bill of around twenty or thirty thousand dollars. The

amendment before us would seek to increase that to \$39,800 in the first year of the biennium and \$52,200 in the second year to provide at least three more staff people in the office.

I think we would all agree that there is a need. I do not have any particular opposition to the amendment personally, but I am concerned that the increase in the cost is going to be appraisable when we do get to a point where we are dividing up the pie and deciding which should get funded. So I would ask Mr. Shute his reasons for putting the amendment on and would let the House make up their own minds.

The SPEAKER pro tem: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: If you have read the bill, you will see that the appropriation on the committee amendment is only \$20,000 in the first year and \$23,000 the second year. As I understand it, that provides one service officer and one clerk. Certainly one service officer and one clerk would not perform the duties necessary for this office. Myself, I would need at least one day of the week from this person to take care of my constituent services down here and I am sure that a lot of you would need at least one day of the week of this office. So if we are going to be realistic about this, I think we should have enough people to handle what the bill requires. If you have read the committee amendment that the committee put out, it says that the duties of the constituent service officer, shall receive any member of the legislature from any legislative committee or from any citizen of the state any inquiry, complaint or request for assistance relating to the activities of any governmental unit within the State of Maine. Such inquiry, complaint or request for assistance shall be researched, processed and answered in accordance with all procedures which shall be established by the Legislative Council.

My amendment would increase the appropriation in the first year \$19,800 and in the second year, \$29,000. This would provide three more people for the office. I know this is nowhere near enough people to run the office if we are going to have someone here to handle every complaint that comes into the state, every complaint that comes into a legislator, so at least this would be a start and then two years from now we could up up this appropriation to maybe a quarter of a million or maybe more.

I would hope that you would adopt my amendment.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This was originally my bill to create the office of ombudsman. If you were here in the last legislature, you saw it then. I very much believe in the concept of the ombudsman. This is an advocate of the people that anyone in Maine can go to with complaints and problems and he will service these for them.

The committee at this point had three bills that sort of nibbled around this idea and they chose my L. D. number to change around and use. This is not my bill. I am not substituting the bill for the report or anything, because I want to keep the option of representing the bill in the

special session, which I have as I understand it now.

The Legislative Council, under legislative reform in the last session, set up an office to help the legislators which was not acted on or funded. The only change that has been made in the new redraft of this bill is to allow the citizens of Maine to go to this Legislative Council, the office there, and it set up a funding for that.

I agree that it probably is underfunded. I think, particularly with the growth of bureaucracy we now have and also my own feeling that we are not here to service complaints, we are here to make laws, that there is a great need for this type of thing. I don't particularly agree that this is the way to solve the problem, but I suppose this is better than nothing. I would certainly feel that more money is needed to do, but I do want to make very clear that this is not my bill, the ombudsman bill, therefore, I have really few feelings one way or the other, but if the job is going to be done right, I imagine it would take more money.

I would point out that this does differ from the original thing passed by the Legislative Council in that the average citizen can go directly, it doesn't have to be done through the legislature.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to urge you to defeat the amendment of the gentleman from Stockton Springs, Mr. Shute. He has raised the cost of this proposed office from \$43,000 to \$91,000, and frankly, I am rather suspicious that his motive is more to kill the whole bill than to improve the bill.

I would remind you that the State of Maine is 154 years old. We have never had this office. Somehow we seemed to have gotten along. I do feel there is some need for an ombudsman. What we have proposed is on the books now, we have given it some power. It would only be fair to give this a chance for the current year and see how much the demand is. About 90 percent of the demand from our constituents, or at least in my case, is who do I call or who do I write to? The person in this office who is going to handle that, if they want someone in Health and Welfare, they are going to tell them who they should contact and give them the phone number, or they can tell them, you stand by and I will contact the proper person for you. They have a Watts line, won't cost anything, and they will call you back and you will get your answers. Let's give it a try on what we have come out with from the State Government Committee, \$20,000 for the current year, \$23,000 for next year, and if the demand is there, you can add three people, five people or ten people if you want to in the future. But let's not jump up to ninety-odd thousand dollars from what is now nothing.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: When I came down here in 1970, this was the first bill that I entered and I had no problem with it in the House, but it was killed in the unmentionable body. It seems today that there is an effort being made to kill this bill here by putting on excessive costs and I do think it is excessive costs because something like this, when we start out, we

should start small and if we have to grow, we will grow, but I would hope that we wouldn't have to.

I would think that the appropriation that we have on the bill at the present time, would be enough, and I would hope that you would defeat the amendment.

The SPEAKER pro tem: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is not, I don't feel, too much money for the services required of the ombudsman or for legislative assistance. Certainly, if we are going to pass the bill, we should fund the bill.

Two people certainly can't handle the requests for constituents services that will be coming into this office. I think the gentleman from Hampden, Mr. Farnham, has a little different constituency than I do. When my constituents call me for assistance, they don't say, where can I call to find this out, they say, would you call or would you find out and let me know? That is the way I operate.

I think if we are going to have this, we should have a realistic amount of money on it and then two years from now, you won't say well, I didn't realize that office was going to cost this legislature so much money.

The SPEAKER pro tem: The pending question is adoption of House Amendment "A". All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

14 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

Thereupon, Committee Amendment "A" was adopted.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to the points brought out by both sides and I have heard this bill discussed quite often over the last few years. I was just wondering whether or not it might not serve the State Government Committee in good stead if they would probably table this item for one day and really figure out just how much this measure would cost. I can see the gentleman from Sabattus, Mr. Cooney, nodding his head no. I think, if I suggested to electrocute myself he might nod no but this is headed for inevitable death unless he or they want to bend on doing something that they might do to set us in a position to vote for this bill. This bill is coming back here for an enactor and it is going into the other unmentionable body for engrossment. I think that in the shape that it is in, it might get hurt.

I would like to vote for this bill, but I want to vote for this bill with an honest price tag on it. I want the price tag spelled out, I want to know who is going to work, where they are going to be and what they are going to do. I am not at all satisfied with that but by the same token, I think that the gentleman's amendment, Mr. Shute, was high, but I would like to suggest to you that if you want to pass this bill, I want a solid ripple to it.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

Bill "An Act to Clarify Standing before the Board of Environmental Protection" (S. P. 352) (L. D. 1152) (H. "A" H-698 to C. "A" S-242)

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

On motion of Mrs. Kany of Waterville, the House reconsidered its action whereby this bill was passed to be engrossed.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I wish to move for indefinite postponement of this bill and all accompanying papers and would speak to my motion.

We have a grand variety of individuals in this House and some of us view ourselves as liberals, others conservatives, moderates, populous but whatever, not too many of us, in any way, want to limit citizen participation in major policy decisions concerning the state, and that is exactly what this bill does, it limits citizens rights to appeal decisions made by an appointed state board, the Board of Environmental Protection, the BEP. Even with the amendment that was offered to this bill yesterday, the citizens of this state are denied the right to appeal any BEP decisions. We just enacted a bill, L. D. 1892, which was, "An Act to Provide Opportunity for Reasonable Correction of Applications before the BEP." That new law would allow any person aggrieved by the decision of the BEP to petition the BEP for reconsideration. So, this bill, which we have before us today, is in direct contradiction to the bill offered and approved on June 3rd. Our statutes also, now, allow any person aggrieved to appeal to the superior court. So, the limitation upon the citizens of the State of Maine's right not only to testify at the hearings, but actually denying them their right of appealing a decision is something I want no part of and, as far as I am concerned, this is the lousiest bill I have seen in this session and I urge you to help defeat it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I would disagree with the gentlelady from Waterville, Mrs. Kany, at this particular point.

I think we have a bill here which has been worked out from the Committee on Natural Resources that has worked diligently this session to try to balance the equation here a little bit, there are pressures on our state today from industry and from the areas. We have had many strict environmental laws written, some of them well written, some of them not so well written. I know there have been a lot of pressure on this session due to the economic factors of this state to tear down and disrupt many of these environmental laws which have been put on the books.

My intent was yesterday, and I think we covered it with this amendment, my concern which I share with the gentlelady that I did not want to see anybody who had a substantial interest in something that would be appearing before the DEP or any of their hearings. But by the same token, I don't think that we need all these splinter groups and people coming in just to harass these hearings and prolong them such as was done in cases around Sanford, I understand, on the oil refinery hearing over there. I would hope that you at this particular time could retain your position on this bill and the amendemnt that I offered yesterday.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against the pending motion. Over the past few years, we can be very proud of the environmental legislation we have enacted. But, if we continue along the route we are going with all the obstructionists groups, I believe our environmental laws are going to be in danger.

We have a national rate of unemployment of 9.2 percent. At that high rate of unemployment, many people who have sat on the sidelines are going to get involved. It is a case of payroll versus clean air. If I was a betting man, I would bet on payrolls.

Let me read you a quote from Clifford Goodell, former Executive Director of the Natural Resources Council stated before the Natural Resources Committee, in regards to this piece of legislation here, he admitted that in testimony before the Natural Resources Committee that intervenors in one hearing had a predetermined tactic of delaying the hearings by endless cross examination.

Again, I would urge you to vote against the pending motion, or we are going to put all our environmental laws in danger the next session.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am against the motion to indefinitely postpone this bill. At it was brought out by the gentleman from Bar Harbor, Mr. MacLeod, I am from Sanford and I know how my people voted for that oil refinery and I know how they were hindered by a certain group of people. Many of them were not from my own town. There is a lot of unemployment in my town and when my people voted two almost three to one for an oil refinery they kept getting a lot of hassle from other people. There is no way that I can go along with indefinite postponement of this bill.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to ask is the motion indefinite postponement or reconsideration of where it was passed to be engrossed?

The SPEAKER pro tem: The motion before the House is indefinite postponement, it has already been reconsidered.

The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: As one of the committee members who voted for this bill, I feel obligated to point out that the bill does not represent a radical change from present practice but merely a clarification to make one thing absolutely certain. Those who do not have a direct substantial interest in the proceeding will not be allowed to embark upon endless cross examination which everyone is aware of, and which, in some instances, can so antagonize and harass an applicant, that the project and future projects in this state are in danger. Many people have said that the right allowed in this bill to those who do not have direct and substantial interests go too far and too extensive. We should all realize the full range of rights guaranteed by this bill to those who do not even have a

direct and substantial interest. Namely, they have the right, under this bill, to present direct and rebuttle testimony, they have the right to participate in the hearings, they have the right to be provided with copies of all filings, papers, and documents of the applicant and other parties. They have the right to file briefs, present oral arguments, cross examine witnesses by written questions to the chairman of the hearing. These rights are identical to those parties who are directly and substantially affected by the proceedings except that those who are not directly and substantially affected may only cross examine by written questions.

The intention is to do away with what one member of the Board of Environmental Protection called, unending questioning, and harassment on matters of doubtful or trivial relationship to the issue, as a matter of delaying and discouraging industry.

At our hearings on this bill, virtually everyone agreed that there is a problem. The Department of Environmental Protection admitted that cross examination had gotten out of hand. Members of environmental groups admitted cross examination had gotten out of hand and representatives of industry groups complained that cross examination had gotten so out of hand that industrial expansion was being threatened. The Department of Environmental Protection and environmental groups argued that the department would change its prior lax method of allowing cross examination to tighten up, which they had the right to do in the first place, but weren't doing it. This is the reason for this bill. The department has not tightened up in the past and there is no reason to expect they will in the future. In fact, the Department of Environmental Protection represented to our committee that it was proposing some regulations which cure this problem and an examination of these regulations reveals that the problem has not been dealt with in any way but a superficial manner. Regardless what the Board of Environmental Protection does or wants to do, the problem of harassing and badgering those who would invest in responsible economic growth for this state, is a matter for the legislature and not the Department of Environmental Protection.

We are not being fair to the people who have to earn a living in this state day after day, if we tell them that we are going to place potential future jobs behind the demand by those with no direct and substantial interests for the right to cross examine without limitation, a right which clearly has gotten out of hand.

I would hope that you would defeat the motion to indefinitely postpone this bill.

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

Mrs. KANY: Mr. Speaker and Members of the House: There are several things that I would like to answer to. One is that I don't really object to the fact that this bill would call for a written questioning and written cross examination, so to speak, at, of course, the discretion of the chairman of the board, but what bothers me, is the loss of the right of appeal and if Representative Nadeau's people in Sanford voted saying that they wanted that oil refinery and the BEP turned them down and it was decided they did not have a substantial interest in that, then they would have no right of appeal. Here in the State of Maine, we are proud of our town meeting form of

government. I think it would be a shame if we limited the citizens input into this kind of regulation and ruling which is a form of law, administrative law which is a derivative of our statutory law, and that is just what we are doing, we are limiting the citizen participation in a very major policy decision.

I don't consider this a jobs bill, I think I have a good jobs record as anybody in this House. This has nothing to do with jobs, the question is really, are we going to allow our citizens to participate in these decisions and allow them the right to appeal? That is the number one thing which this bill does is deny them that right.

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

Mr. McBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: This bill really makes three changes. It includes as parties all those who will be directly and substantially affected by the outcome. This includes the people who breathe the air in the town and who are affected by the river down stream as well as those who are affected economically. Intervenor groups and associations which do not have a direct and substantial interest, like the student groups, they will continue to have the right to present testimony and experts, be fully informed and argue and file briefs. Their cross examination is limited to the submissions of written questions and after the board makes its determination, it can not appeal. Parties and intervenors under Section 4 must petition for this status at least three days prior to the date of the hearing. This provision was suggested by Senator Merrill of Portland. These are reasonable controls on the intervenor groups so that these proceedings will not drag on and discourage sound development. The public will be represented by the commissioners, the staff and the assistant attorney general, who represents the board. The students groups should have the opportunity to be heard but they should no longer have the opportunity to make a circus of these proceedings.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Curran.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: This is a very good bill, and I hope you don't postpone it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: When they had the hearings at Nason College Recreation Hall for NECO, I attended 95 percent of the hearings over there and I would like to endorse the remarks of Mr. Doak, and Representative McBreairty. These intervenors, they were there just to put spokes in the wheel, they were not there to try to help out the State of Maine. In fact, I had quite a long talk with Dwight Stevens, our ex-commissioner of Transportation here in the State of Maine at one of the hearings and he told me that it was a shame to put these people to a point where they had been here for years trying to show that they had the right to come in here, that they had all their plans made that they was safety and they had everything going that they wouldn't hurt the environment in the State of Maine. Stop and think of it, these people have spent in the neighborhood of almost \$3 million already and he says they are not only half way. I feel that these intervenors

are hired by some of these people who are there just to try to stop anything that is good coming in the state. I hope that we try to do a good thing. I think Mrs. Kany is trying to do a good thing but I think as far as the intervenors are concerned, I think most of them are just trying to put a spoke in the wheel, they are not really sincere in all their efforts in these hearings because I have seen them and I didn't like it at all.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: I wasn't even going to speak on this but I just have one observation that I would like to make that a lot of these intervenors are doing this for nothing, they are trying to protect what is their life style. I think they are a lot more sincere than some paid lobbyist.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I have two questions that I would like to pose to anyone who might answer. One is, who determines whether a person or a group has a direct or substantial interest as hereafter? Secondly, according to the amendment, an intervenor is one which would include local groups, so called. I would assume that the person who owned the land, say for the Sanford Refinery, was directly and substantially affected, and I would imagine that the people who lived in the town around it, may be the adjoining towns are not directly affected and, therefore, since it is not direct and substantial, they would have to be considered as intervenors and so I am wondering if the citizens groups, say in Sanford, would not qualify as a party and, therefore, they would not be able to engage in cross examination and would not be able to appeal any decisions. So, two questions, one, who defines the parties or the intervenors and secondly whether a citizens group would be considered an intervenor?

The SPEAKER pro tem: The gentleman from Bangor, Mr. Henderson, poses two questions through the Chair to anyone who cares to answer.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps I can answer that. First, the Board of Environmental Protection would make the determination. Secondly, if that wasn't a determination that was acceptable, then the court system would make the next determination.

I might like to add also that it is no longer in the posture of direct and substantially affected. Mr. MacLeod's amendment made it substantial interest so that is the posture of the bill at this time.

I might like to further add, since I am on my feet, that I am supporting the MacLeod amendment, I did yesterday. I signed the "Ought Not to Pass" Report, however, I think that Mr. MacLeod's amendment makes it very palatable and I think that it is something that I can support at this time.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Wilfong has answered the question in regards as to who is going to protect the people of the State of Maine, the Board of Environmental Protection was there and

they were listening and when there was time to ask questions or any question that they wanted to make sure that they wanted to know about, they did ask questions and they were really the arbitrators over there and they did a nice job. I would like to answer Mr. Goodwin and tell him that I am not talking of the people, the two or three, that came there and spoke, I am talking about the 20, 25 attorneys that were there that were paid by certain groups in the State of Maine just to put spokes in the wheel and these are the ones that are trying to hurt the State of Maine, not helping it out.

Mr. LeBlanc requested a roll call vote.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think we should get this back down to a rather simple context. This amendment deals with just three groups. It deals with parties, who are the most concerned, it deals with intervenors who are concerned, but do not have the same interests as parties, and it deals with the general public. The only difference that I can see between what intervenors have as a right and what the parties, who are the most concerned, have a right to do, is cross examine verbally, otherwise, they can cross examine through written questions through the Chairman and it does not give the parties who have the most interest any more right to appeal than it does the intervenors. I see no difference here, at least not in this amendment that is before us. I don't think the appeal issue is an issue that we need to be concerned with, and I do feel that having participated in one of these as one of the public at one time I found that the public has every opportunity to present its side of the question. I found the intervenors had every opportunity to present their side of the questions, and if it is deemed wise to limit the amount of harassment by repetitive questions of a verbal nature, I see no reason why that should not be put into the law. I think it is reasonable and fair.

Mrs. Kany of Waterville was granted permission to speak a third time.

Mrs. KANY: Mr. Speaker and Members of the House: I just ask this body if what they really want to do is limit the citizens right to appeal, and that is primarily what this bill does. I also would like to point out the fact that many of the speakers who spoke against this motion on the floor used printed, typed papers, and I am wondering how many lobbyists help write those speeches. I am sorry, but I have noticed a lot of people lobbying on this particular bill, a number of them, Don Perkins, Dan Boxer, Peter Johnson, Chuck Cianchette, I can go on and on on the people who spent their time lobbying this bill, and it is a bad bill.

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

Mr. HALL: Mr. Speaker, I want to pose a question to the dear lady from Waterville in regard to what citizens she is speaking about? The citizens that I would like to represent are the people who are working for a living, not the ones who want to come into a hearing like that and intervene and harass the people. This I have seen many many times, and most of those people, they love to see the beauty of the land and they go out, take a pair of eyeglasses, they can look all over the land and reach in the

basket they have got that they bought with food stamps and enjoy themselves.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Curran.

Mr. CURRAN: Mr. Speaker, I would like to remind the lady from Waterville that she has come in with many prepared speeches.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: This bill was bought about by the lack of control by the BEP at public hearings. They did not exercise the rules and regulations and the control that they already had. What we are attempting to do with this bill is put into statute that which they already had, the right to hearings and the appeals have been written in the law prior to this, and this law does not eliminate that. The right to appeal and those rights are still in the law that governs hearings of the BEP, they are still there. But what we are attempting to do and what I believe is being attempted by this bill is to firm up something which has not been handled as well as it ought to, has not been enforced.

I am not trying to be critical of the BEP; I think they have tried to do a reasonable job, but they have been placed in a very bad position in this state because they were given a mandate to give a certain job and it was a very unpopular job. So whoever came to a hearing at any time, they felt obliged not to be arbitrary and knock them down and cut it off, they felt obliged because they were in the bad posture that they were in, a very unpopular position, that they had best hear everybody, and that caused a great deal of problems. Again, at the risk of boring you people, I am going to repeat that this bill is inserted in here to firm up and put into statutes what was already built into the hearing processes which were conducted by the BEP. Therefore, again, I ask you to vote against the indefinite postponement of this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Lovell.

Mr. LOVELL: Mr. Speaker, if Mr. McMahon were here, he would be voting for indefinite postponement and I would be voting against indefinite postponement.

The SPEAKER pro tem: The gentleman from Sanford, Mr. Lovell, requests that his vote be paired with the gentleman from Kennebunk, Mr. McMahon. If Mr. McMahon were here, he would be voting yes, the gentleman from Sanford, Mr. Lovell, would be voting no.

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 pro tem: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that L. D. 1152, An Act to Clarify Standing before the Board of Environmental Protection, and all accompanying papers be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Connolly, Cooney, Cox, Farnham, Goodwin, H.; Henderson, Hughes, Ingegneri, Jensen, Kany, LaPointe, Lewin, Mackel, Mitchell, Mulhern, Peterson, T.; Stubbs, Tyndale, Wagner.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Chonko, Churchill, Clark, Cote, Curran, P.; Curran, R.; Curtis, Dam, Doak, Dow, Drigotas, Dudley, Dyer, Farley, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Gould, Gray, Hall, Hennessey, Hewes, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Lewis, Littlefield, Lizotte, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, Mills, Miskavage, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Usher, Webber, Wilfong, The Speaker pro tem.

ABSENT — Carter, Connors, Davies, DeVane, Durgin, Faucher, Goodwin, K.; Hinds, Leonard, McKernan, McMahon, Morin, Pearson, Perkins, S.; Shute, Silverman, Talbot, Truman, Walker, Winship.

PAIRED — Lovell, McMahon.

Yes, 19; No, 110; Absent, 19; Paired, 2.

The SPEAKER pro tem: Nineteen having voted in the affirmative and one hundred and ten in the negative, with nineteen being absent and two paired, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

Passed to Be Enacted

Emergency Measure

An Act to Incorporate the Baileyville Utilities District (H. P. 1509) (L. D. 1840) (C "A" H-620)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to Maine Veterinary Practice (S. P. 212) (L. D. 739) (C "A" S-218) (H "A" H-632)

An Act Relating to the Definition of Motor Vehicle Dealers (H. P. 439) (L. D. 546)

An Act Relating to Occupational Safety and Health in Public Employment (H. P. 478) (L. D. 646) (C "A" H-635)

An Act Concerning the Filling of the Office of Register of Deeds (H. P. 856) (L. D. 1070) (C "A" H-527)

An Act Creating the Office of Dental Health (H. P. 972) (L. D. 1234) (C "A" H-588)

An Act Concerning V-notching of Female Lobsters (H. P. 1074) (L. D. 1354) (C "A" H-617)

An Act Concerning the Collection Agency Act (H. P. 1258) (L. D. 1553) (C "A" H-634)

An Act Concerning the Formation of Corporations without Capital Stock (H. P. 1291) (L. D. 1598) (C "A" H-639)

An Act Concerning the Workmen's Compensation Act (H. P. 1453) (L. D. 1741) (C "A" H-633)

Finally Passed

Resolve, Appropriating Funds for the Reimbursement of the Town of Stoneham for Property Declared Tax Exempt After the Determination of the State Valuation (H. P. 1662) (L. D. 1914)

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

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair wishes to thank the gentleman from Stonington, Mr. Greenlaw, for having acted as Speaker pro tem.

Thereupon, Mr. Greenlaw of Stonington was escorted to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Repeal Milk Control Prices at the Retail Level" (H. P. 208) (L. D. 267). — In House, Passed to be Engrossed, May 28. — In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-263) in Non-concurrence.

Tabled — June 10, (until later today), by Mrs. Najarian of Portland.

Pending — Further Consideration.

On motion of Mr. Mahany of Easton, the House voted to recede from passage to be engrossed.

Senate Amendment "A" (S-263) was read by the Clerk.

Mr. Spencer of Standish offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "H" to Senate Amendment "A" (H-705) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of House Amendment "A" to Senate Amendment "A" is to change the statutory standard for establishing the price paid to dealers by stores under the Maine Milk Commission. What the new standard, which is included in here would do, it would be to require that the minimum prices paid to dealers would reflect the lowest price at which milk, which is purchased from Maine farmers, can be received, processed, packaged and distributed in the State of Maine with a reasonable return to the dealer. In other words, the effect of this amendment is that in establishing the retail price, the commission would have to establish the lowest price at which a dealer could put milk on the shelves, having paid the Maine producer the producer price established by the commission.

The purpose of this amendment is to protect the Maine producers from competition, and what is essentially unfair competition; from surplus milk and blend price milk which is imported from outside

of the state. It protects the farmers from that imported milk, but it requires that the commission, in setting the price, establish a true minimum price at the lowest level that any Maine dealer paying the Maine producer price can sell milk.

There is obviously a great deal of public concern with this whole question of the Milk Commission, and before coming to the legislature, with a couple of other legislators, we sent out a questionnaire and we asked the public whether they were in favor of the abolition of the price-setting powers of the Maine Milk Commission, and a large majority answered yes. But the second question asked whether they would be in favor of abolishing the price-setting powers if they thought it would hurt the farmer, and a large majority answered no. Those two answers are inconsistent, because no matter how you slice it, if you eliminate the retail price control completely, you are going to hurt those farmers who are now selling on the Maine market, and there is no way to get around that. They now enjoy a utilization advantage because of the high Class 1 consumption of milk in the state, and they will lose that utilization advantage if the price control is eliminated.

What I have tried to do by virtue of this amendment is to protect the farmers from unfair competition and yet to put the dealers in a situation where the retail price established by the commission is the lowest price at which Maine milk can be processed, packaged and put in the stores, and the effect of this, if it is properly administered by the commission, will be to put the Maine dealers in competition, because the dealer who can process milk at the lowest price will be able to go to the commission, or the commission will be able to go to that dealer, look at his books, prove that it can be done and they will set a true minimum price.

I think that this amendment will have the effect of giving the largest degree of consumer protection which is possible without costing the Maine farmer the utilization advantage he now enjoys. If this doesn't work, nothing is going to work and it will be necessary to eliminate the retail price controls. But I think that this amendment goes as far as it is possible to go in trying to reform the Maine Milk Commission to make it do a decent job.

The Senate Amendment changes the composition of the commission so that there is no more dairy or producer interest on the commission. The commission will be composed of members of the public with no special affiliation. They will have to set the price at the lowest level at which the Maine milk can be processed and put in the stores and I think that it represents an effort to get the consumers and the farmers together and to put the dealers in competition.

I don't think there is any perfect answer to this situation, and I think that this amendment, in combination with an amendment which will be offered by Mr. Mahany, does as much as can be done to reform the commission to protect the consumers. It separates out the farmers' interest from the dealers' interest to a large extent and is designed as a consumer and a farmer piece of legislation.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Standish, if he in fact has read the original bill, the LaPointe bill,

is there a provision in there that does protect the farmers by allowing the Milk Commission to set a price and protect the producer? Is that not a part of the LaPointe bill?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question to the gentleman from Standish, Mr. Spencer, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The LaPointe Bill does provide that there will be a producer price established which will establish the price for the Maine farmer. Even under the Connolly proposal, you would have producer price control, or you probably would, because most of the milk markets in the country are under federal controls which establish producer prices.

The problem that you run into with the dealers who are selling on the Maine market is that their milk is purchased on a two-price system; the milk that goes into liquid consumption receives one price, the surplus milk receives another price. If you leave that system in place, under the LaPointe Bill where you just have producer controls, it then becomes possible for the dairies to purchase milk in uncontrolled areas, and this market is completely fouled up by the patchwork nature of the control across the country. It becomes possible for the dairies to purchase milk in uncontrolled areas at a blend price which is lower than the Class 1 price that is paid in Maine. So while the Maine farmer would be receiving Class 1 and Class 2 prices established by the commission, he would not in fact be protected from blend price milk and surplus milk from that side of the state, and you could even get a situation where the blend price for the Maine farmer was the same as the blend price for the farmer outside the state in the uncontrolled area and yet the dairy could buy the milk that he was putting in the bottles from the New Hampshire producer a lot cheaper than the Maine farmer. Even though the New Hampshire or out-of-state farmer was getting the same price for his milk as the Maine farmer overall, the Maine farmer could not compete with that out-of-state producer.

I think that that is the problem that we have to recognize is tied up in any proposal to eliminate the retail price completely, and if you do that, you should do it with the full awareness that those producers who are now selling on the Maine market are going to lose a lot of the income which they now have. That is a decision that this House has to make, but to make that decision with the idea that the Maine farmer selling on the Maine market is not going to be hurt is to take an action without actually taking into consideration the consequences of that action.

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

Mr. LAPOINTE: Mr. Speaker, Men and Women of the House: I believe that we attempted to deal with the question of the Maine Milk Commission in a compromise manner in the 106th Special Session and we referred to it as the powdered milk bill, and that characterization of that measure is what prompted one of the cosponsors of the bill to distribute to some of us packages of instant, non-fat dry milk such as I am holding in my left hand.

I plan to vote against this amendment. I feel, however, that members of the House are going to have to use their conscience in dealing with this particular question at

this particular time. However, I can't, in my political convictions as it relates to the measure that we have before the 107th and the measure that we had before the 106th Special Session, support this particular amendment. I still believe that the ultimate answer is the abolition of the retail and wholesale price controls that have been established and afforded to the commission since the mid thirties. I think that we have seen the process that the Maine Milk Commission goes through in establishing those controls. We have heard comments that the Maine Milk Commission is politically motivated in its price-setting policies, particularly as it relates to its activity in the past year and we have no guarantee that the so-called Spencer amendment is going to work. I can't support it. I think it is somewhat of a copout. It is a smoke screen of sorts and I think it should be characterized as a powdered milk amendment.

The SPEAKER: The pending question is on the adoption of House Amendment "A" to Senate Amendment "A". The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very very brief because I know the hour is late and we want to get to other issues.

Ever since I have been a member of this legislature, there have been bills in here to repeal the price fixing powers of the Maine Milk Commission. In 1969, the bill was soundly defeated on this floor and in the other body. In the 105th, the milk bill got over to the Senate and was defeated over there. In the 106th, apparently some individual thought we came up with a compromise issue and they would resolve the problems of the Maine Milk Commission once and for all in attempting to set a fair price as far as the consumers are concerned. My opinion right here this afternoon is that this amendment that is being offered is no different than the one that was passed in the 106th. We are not going to do one thing, in my opinion, to help the consumer.

I always thought it was a free and open market. Do we have price guarantees for the people who produce apples in this state or the fishermen or the potato industry, that is in tough financial trouble today, do we give them any protection whatsoever? They operate on what I would consider the free and open market, and this commodity is no different, in my opinion, than the apple growers or the potato producers in this state, and if you are willing to accept this amendment this afternoon — in fact, I would be willing to vote against the whole bill if this comes up, because in my opinion, that is exactly what we will be doing, no more than we did in the 106th.

It is like giving free drugs to the elderly without providing money to purchase those drugs. It is a song that I don't want to be part of and I am surprised at the vote that was taken just a few moments ago, for

those of you who were in this House who were supporting the original bill that Mr. LaPointe and others put in, and you would be voting against your own convictions right this moment in reflection of what your vote was a few weeks ago on the LaPointe bill.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: While I have to concur with some of the statements the gentleman from Bangor just made, I try to be realistic at times.

I expect in a very few minutes that the Maine Legislature is once again going to witness the muscle and the power of the Maine Milk Commission. We have done it for some 30-odd years now.

We have before us today several amendments, all of which considerably water down the original LaPointe bill. The amendments have already been accepted by the Farm Bureau and by the Yankee Milk Commission, and we have assurance that they will be accepted by the other body down at the other end of the hall.

This Milk Commission has made a few minor concessions, but you can bet your life that they have once again emerged unscathed. They will survive the 107th session of the legislature and will continue to set prices that are artificially high and that support and contribute to inefficiency throughout that industry at the expense of the Maine consumer.

The only saving feature of the amendments before us is that they do remove the vested interest from the Maine Milk Commission. Hopefully, the new commission will persist and exercise more wisdom than previous commissions have displayed, and I hope that the new commission will not find it necessary to hop into the hip pocket of those that they are supposed to be regulating.

While I do not favor the amendment, as I said before, I have been around here long enough to realize that either we are going to accept the amendment or we are going to go home with nothing.

I think when I do vote, I will vote for the amendment and I can guarantee you now that I can taste powdered milk, I have got a mouth full of it right now. I hope you will support the amendment.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Today I stand before you, a man who has devoted 26 years to the dairy business. I raised my family on a farm and I am proud of the heritage, I am proud to walk among my fellow men and I have never seen a dairy farmer say no to any hungry person.

When I hear people talk about powdered milk, it disturbs me a little bit. It also disturbs me when I hear them get up and say you have the foxes in the chicken house watching the chickens. We took the foxes out of the chicken house, gentlemen, they are no longer watching the chickens and now they find fault with that also. You know, I don't think you could please some people if you gave them bubble gum seven days a week. It amazes me when I find all the opportunities they have to jump on us.

All I ask of you is a vote of compassion, a vote of sincerity, and a vote to help keep an industry going which contributes many, many dollars to the economy of our state in taxes, we support other industries and furthermore, Mr. Speaker, I asked to be excused from voting for I have a conflict of interest.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't have any conflict of interest. I do represent a lot of people that are in that business of farming and an awful lot of them have gone out of business now and an awful lot of them are very near the breaking point. I don't have a rich farmer in my area and I do have a lot of farmers that work from the time the sun comes up in the morning until it sets at night. As a matter of fact, you will see their lights on some nights doing their chores and I don't concur with the gentleman from Bangor, Mr. Kelleher, when he refers to milk like apples, etc., they grow in a year and it takes a long while to get a cow old enough to produce milk. In this respect, there is a lot of difference.

I realize that he is a city boy perhaps hasn't been in the country and doesn't understand that a cow must be approximately two years old to even bear young and some time before it can give milk. This is not so in some of the areas that he mentioned. He needs to come to the country, I think, and visit for awhile, there are a lot of things that he could learn and he might find beneficial to his person and his knowledge.

I hope this House will support this amendment and I trust that the farmer will never overcharge you. He is willing to work for a very low price on his milk and everything he does, I don't care if it is milk or other things, but there are no people in this nation or in this state that works harder for their meager living than the man that tries to farm for a living. He is not protected by unions and his hours are not limited to 40, and please bear this in mind, there are no young farmers, there are no new barns, there are no new farms and the ones that are there are falling down. This must be considered because eventually, if we have to get our milk from some foreign country or some foreign state like Minnesota or some place out there, we are going to pay a lot more for it.

So, if you do things that will eventually knock out any more farmers, we won't be producing any milk, we won't have any to ship to Massachusetts or anywhere, they will have to ship it in here, and when this point comes, then you are really really going to pay for a quart of milk what it is worth. Today, it may seem high, everything is high, but you are not paying for a quart of milk what it is worth today, believe me, I am telling you the truth.

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

Mr. CAREY: Mr. Speaker, I would like to ask a question through the Chair. Did I understand the gentleman from Limerick, Mr. Carroll, correctly, when he said he was in conflict?

The SPEAKER: The gentleman said he will not be voting.

Mr. CAREY: Mr. Speaker, I would then hope the Speaker would caution the gentleman from Limerick as well as those others as to parliamentary procedure, that if you are in conflict, you cannot either enter the debate or try to influence people on either side.

The SPEAKER: The Chair would answer that that is incorrect.

Mr. CAREY: Mr. Speaker, I will get you the reference.

The SPEAKER: The Chair would announce to the members of the House, if you would refer to Rule 19, the Speaker may excuse anyone for any reason, regardless of whether it is conflict or not.

The Chair would further announce that on the issue of whether or not someone is in conflict can only be decided by the Ethics Committee and obviously no member has made such a request to the Commission.

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

Mr. CAREY: Mr. Speaker, the object of having people in conflict is so that they announce themselves so that they will not partake in the debate and try to influence people and under normal parliamentary procedure, a gentleman would get up and point out that he is in conflict or would try to excuse himself without trying to influence other members of the House one way or the other.

The SPEAKER: The Chair would announce that that is up to the individual member.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself to the other part of the industry, the other five or six hundred dairymen that we haven't touched on. Many of them live in my area, they are the ones that have the muddy boots, their houses aren't painted as brightly as the ones that are selling on the Maine market. They are the ones that take 75 cents or \$1.50 a hundred less for their milk. These are the people I have a great concern for, because they asked me this question, why is it we make the same type of milk as the farmers do that sell it on the Maine market, we ship it to Boston, they process it there, they can sell it for \$1.30 a gallon or \$1.40, where milk coming from our own state that is being charged up as high as \$1.62? These are the things that bother me.

Now, I would like to read this here. This makes me think of my dear friend and seatmate, Mr. Jalbert, speaking about his Bible, this is mine, this is one that I read quite frequently, it is a Washington Report. It states: "New England Dairymen came into special attention at the White House when Agriculture Secretary Butts met with the reporters to explain President Ford's veto on the farm bill. Someone noted that the bill would have allowed quarterly adjustment for dairy price support to try to keep up with the production costs."

Now, a dairyman in here states, "had Ford approved the farm bill, retail dairy prices would have quickly risen." Butts claims, "per capita consumption of milk and products have been on the decline since he went in and if food store prices get too high, the downtrend continues."

I think one other fact that is very important to me is that in the Agriculture Committee we have had before us a bill in regards to raising the price for a tax, the industry itself, to raise a tax to advertise the potatoes. I think the only way you are going to get rid of this overproduction is for the industry itself to take itself by the boot straps, raise more money for a tax to advertise its product, because it is not fair to constantly ask the consumer to forever and a day subsidize something when you are getting so much of it in the country. But I am going to ask you to go along and vote for this poor substitute of a bill that we have before us.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote for the amendment, but I would just

like to correct Mr. Dudley. It takes twice as long for a tree to bear apples as it does for a cow to give milk.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely support the amendment proposed by Representative Spencer. I think it is as good a compromise as we could achieve here in this session and the Agriculture Committee and other folks, especially Representative Spencer, have worked long and hard to come out with a proposition or compromise amendment that would try to be fair to all segments and to present a balance for the industry. We want to help the consumers as much as possible and still we need to protect the dairy farmers.

In regard to other food products and their guarantee of prices, I think one reason why milk is a product that has been singled out is because it is very highly perishable. After it leaves the farm, it has to be refrigerated and has to be utilized within two days, it either has to get into some bottles for consumption or has to go to a manufacturing plant to go to cheese or powder, you just can't put it to one side. You can stop the production. The dairy cow, the marvelous animal that she is, while she is in her milk producing cycle, milk lactation period, is secreting milk 24 hours a day and that milk has to be and needs to be removed from that animal twice daily. That is every day on the farm with dairy cows, Sundays, holidays and all, there is no exception, that milk comes steadily and so this industry was in a very precarious position back in 1935 when the Milk Control Commission was adopted, and so far, they have felt that this industry still needs some protection. So I hope you will support our amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is the adoption of House Amendment "A" to Senate Amendment "A". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Bowie, Burns, Call, Carey, Carpenter, Chonko, Churchill, Clark Connors, Cooney, Cote, Curtis, Dam, Davies, DeVane, Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Greenlaw, Hall, Hobbins, Hunter, Hutchings, Immonen, Jackson, Jensen, Kauffman, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, Mills, Miskavage, Mitchell, Morton, Najarian, Peakes, Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Webber, Wilfong.

NAY — Bachrach, Birt, Boudreau, Bustin, Byers, Carter, Connolly, Cox, Curran, P.; Curran, R.; Dow, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Henderson, Hennessey, Hewes, Higgins, Hughes, Ingegneri, Jacques, Jalbert, Joyce, Kany, Kelleher, Laffin, LaPointe, Lynch, MacEachern, Morin, Mulkern, Nadeau, Norris, Pelosi, Peterson, T.; Talbot, Teague.

ABSENT — Faucher, Hinds, McKernan

McMahon, Palmer, Pearson, Perkins, Truman, Walker.

EXCUSED — Carroll, Kennedy.

Yes, 100; No, 38; Absent, 10; Excused, 2.

The SPEAKER: One hundred having voted in the affirmative and thirty-eight in the negative, with ten being absent, two excused, the motion does prevail.

Mr. Mahany of Easton offered House Amendment "B" to Senate Amendment "A" and moved its adoption.

House Amendment "B" to Senate Amendment "A" (H-717) was read by the Clerk.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: It is a very simple amendment and all it does is reduce the number of the membership on the commission from 7 to 5.

Thereupon, House Amendment "B" to Senate Amendment "A" was adopted.

Senate Amendment "A" as amended by House Amendment "A" and "B" thereto was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" and House Amendment "B" thereto in non-concurrence and sent up for concurrence.

On motion of Mr. Rolde of York, the House voted to take from the table the first tabled and unassigned matter:

House Divided Report — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" — Committee on Agriculture on Bill "An Act to Abolish the Maine Milk Commission, the Maine Dairy Council and the Maine Milk Tax Committee, to Transfer Certain Functions of the Maine Milk Commission to the Commissioner of Agriculture, to Provide for the Monitoring of Butterfat and Bacteria Tests of Dairy Products, to Establish Unit Pricing of Consumer Commodities and to Establish Open Dating of Food" (H. P. 700) (L. D. 846)

Tabled — May 21, by Mr. Rolde of York.

Pending — Motion of Mr. Mahany of Easton to Accept the Majority "Ought Not to Pass" Report.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I am surprised, nobody told me this was going to happen, I wasn't aware.

I would like to move indefinite postponement of this bill and any accompanying papers. I think that the last vote showed that this bill was going to go absolutely nowhere, but I would like to point out that I introduced this bill as the result of being involved in a petition drive to try to have the issue of abolishing the Maine Milk Commission brought before the legislature and then before the people. We weren't successful in that effort, although we did raise 25,000 signatures and the primary reason for that was because we weren't well organized and we had no financial backing and a lot of other things.

I would like to point out that I think because of the bill that we have just passed and the amendment that was put on it, I think that there are a number of people and some organizations who are again going to raise the issue of abolishing the Maine Milk Commission and I would suspect that at the next session of the legislature, there will be a bill before us that will have been brought about because of the initiative referendum procedure and

that that issue will, within the next few years, be before the people for a vote.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am a little surprised that this bill came off the unassigned calendar. I don't have that much faith in what is going to happen here and I would like to have seen that bill stay there until somebody lived up to the promise that we had this morning. I guess if it is off the unassigned calendar and indefinite postponement does take place, and if in fact nothing happens to the compromise we did make this morning, that probably the Maine Milk Commission will be in trouble and very serious trouble.

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am surprised this bill came off the unassigned table this afternoon because, in fact, we do not have any guarantee that the amendment that was just adopted, submitted by the gentleman from Standish, Mr. Spencer, will be acceptable to all members of the legislature, but I think the effort that went forth into the bill that my colleague from Portland submitted indicates very very clearly that there are some people upset with the policies of the Maine Milk Commission and when an unorganized effort can get us 28,000 names, I think that they are making something very perfectly clear and that is, if the commission doesn't shape up, there will be an initiative referendum in here the next time around. I ask for a roll call.

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

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

Mr. Rolde of York asked for a vote.

The SPEAKER: If you are in favor of tabling for two days, you will vote yes; those opposed will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 73 in the negative, the motion did not prevail.

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

Mr. CONNOLLY: Mr. Speaker, I would withdraw my motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support the gentleman from Portland, Mr. Connolly. It seems to me that we at least ought to keep this bill alive for another few days anyway, and after the bill we were discussing a few minutes ago has finally been enacted, then appropriate action may be taken on the gentleman from Portland's bill. I hope you will vote against the pending "Ought Not to Pass" motion.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to vote against the "Ought Not to Pass" Report for just one reason, keep this vehicle alive until our promise has been fulfilled. If it is not fulfilled, then we can use this one and go back again.

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

Mr. SPENCER: Mr. Speaker, Ladies

and Gentlemen of the House: I would also like to urge the members of the House not to vote in favor of the "Ought Not to Pass" Report.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I may be over-suspicioning something here but I have the feeling that somewhere along the line with these dealings somebody is being double crossed. I think we ought to keep this bill alive for the purpose of getting a chance to find out.

The SPEAKER: The pending question before the House is on the acceptance of 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.

36 having voted in the affirmative and 80 in the negative, the motion did not prevail.

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

The Chair laid before the House the second item of Unfinished Business:

Senate Divided Report — Majority (7) "Ought to Pass" in New Draft (S. P. 550) (L. D. 1915) — Minority (6) "Ought to Pass" in New Draft (S. P. 551) (L. D. 1916) — Committee on Energy on Bill "An Act Creating the Passamaquoddy Hydro-Electric Tidal Power Authority" (Emergency) (S. P. 178) (L. D. 692)

Tabled — June 10, (later today), by Mr. Kelleher of Bangor.

Pending — Motion of Same Gentleman to Accept Majority "Ought to Pass" Report.

On motion of Mr. Rolde of York, retabled pending motion of Mr. Kelleher of Bangor to accept the Majority "Ought to Pass" Report and tomorrow assigned.

The Chair laid before the House the third item of Unfinished Business:

An Act to Raise the Tax on Beer, Wine and Other Alcoholic Beverages to Provide Operating Funds for Alcohol Treatment Facilities" (H. P. 773) (L. D. 944)

Tabled — June 10 (til later today), by Mrs. Snowe of Auburn.

Pending — Motion of Mr. Quinn of Gorham to Indefinitely Postpone Bill and Accompanying Papers.

Mr. Quinn of Gorham withdrew his motion to indefinitely postpone.

Mr. Quinn of Gorham moved the rules be suspended for the purpose of consideration.

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

Mr. SILVERMAN: I object to the rules being suspended.

The SPEAKER: The Chair will order a division. If you are in favor of the rules being suspended, you will vote yes; those opposed will vote no.

A vote of the House was taken.

33 having voted in the affirmative and 55 having voted in the negative, the motion did not prevail.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: You have before you a bill to levy a tax on alcoholic beverages. It is a good bill, I approve of it, I would like to see it. It proposes to raise, if memory serves me, \$1,649,847, and that is a good amount of money, we need it, and I enthusiastically urge the passage of this

bill as long as it does not dedicate monies.

The very astute parliamentary maneuver that prevented me from presenting an amendment over a motion to indefinitely postpone has, in effect, forced me now to attack the bill itself.

My amendment was very simple. My amendment tended to improve the bill. All it would have done was offer the choice for the use of those monies. This bill proposes to lay a tax and at the same time it dedicates this tax and it does so without reference to the Appropriations Table, it does so without the reference to the Appropriations Committee, it does so without reference to leadership. It is, in fact, a major policy departure. It is no way to run a legislature.

If you vote for this bill today, you are, in effect, voting to approve the expenditure of \$1,645,000 for the creation of alcoholic centers or the expansion of these centers. I think this is a worthy cause. I, too, am for treating alcoholics, but I would like the alcoholics to receive the same kind of examination or the same kind of competition that every other worthy program does in this state.

I did some research over the evening and I find that there are laying, currently, on the Appropriations Table in the Senate, some worthy projects from members of this House and I would like to introduce you to them. The gentlewoman from Brunswick, Mrs. Bachrach, has a program to exempt non-profit health care that asks for \$600. Mr. Hewes has a vocational rehabilitation for the deaf, which asks for about \$100,000 in two years. Mr. Rolde has payments of residential schools as an alternative to incarceration for a tax for \$100,000 in two years. Mr. Binnette, and I suppose Mr. Pearson as his successor would have an interest in the renovation of Indian dwellings for \$258,000. Mr. Kelleher wants to exempt community mental retardation centers from the sales tax for \$5,000. Mrs. Berry wants to increase the base rate for boarding home care for about \$750,000 for the two years. Mr. Kelleher and Mr. Rollins want child welfare services for \$2.1 million. Mr. Farnham wants to reorganize the State Personnel Board and Mr. LaPointe wants an Osteopathic Student Loan Fund of about \$150,000. Mrs. Najarian wants the Executive Council to inform the Governor of its actions for \$900. Mr. Tyndale wants money for his fish gear damage fund of \$50,000. Mr. LeBlanc wants reimbursement of election expenses in unorganized towns, only \$1200, but it is there. Mr. Kelleher again wants the Maine Human Services Council for about \$55,000 for two years. Mrs. Post has a Commerce and Sea Grant Program for \$40,000. Mrs. Goodwin wants funds in the Advisory Council for the Status of Women for \$10,000. Mr. Hennessey and Mrs. Chonko and Mrs. Goodwin together want fire prevention in structure and safety improvement in the children's home in Bath for \$30,000. Every single one of those programs, with the exception of the \$2.1 million, could be funded with this money you are voting today. It is that simple.

You are voting this money and you are directing and ordering in law that would be expended for these purposes and if you do so, you are saying clearly and without doubt that you prefer this program to these other programs or to any other program for that matter, which has not yet been decided by this legislature, and it is no way to properly attack the expenditure of public funds, it is no way to make the legislative process work the way it should.

It is dedicated funds any way you slice it. It is a dedicated operation any way you look at it. It is not sound legislative process.

I am sorry that the parliamentary maneuver prohibited me from entering an amendment which would have permitted the bill to pursue its course. All I wanted to do was remove the dedication and allow this money to be used for any service but, therefore, since I cannot present it at this time, I do urge that you do indefinitely postpone this bill.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and the previous speaker, the gentleman from Gorham has listed to you a number of bills that we apparently have passed and are now on the Appropriations Table and at this time, we certainly don't know what the disposition of those bills are going to be. Some or all of them will be financed, and it was the option of any of the sponsors of these bills calling for these appropriations to attach a revenue measure to their bill if they wished to finance that. In this particular instance there was a revenue measure attached which added a slight tax on beer, wine and liquor to the extent of about one cent per six pack of beer and about one-half cent per fifth of table wine, one cent per fifth of sparkling wine and roughly one percent on liquor and it does produce a million six and it is committed, as I understand, during this biennium for the purpose of alcoholic rehabilitation.

In the last session, we did put through a bill, I forget the exact name of it, but it was in 1973 and was a bill which committed the state to work in the field of alcoholic rehabilitation, something that I personally feel has been needed for a long time. I supported it and I felt at the time, as perhaps many of you who are here felt, that we weren't properly funding it and as it turned out, we weren't. The need is great, what facilities we do have and we have 12 alcoholic rehabilitation centers in the state that are serving people at the rate of around five or six thousand cases per year and we could go on and go on this topic.

I happen to feel that this is a very worthy use for this money. I would have had no objection to the amendment being offered and having a discussion of this need against the other needs. That is our function down here, there certainly was no plan on my part nor anyone's part to try to get a corner on these funds and to tricky maneuvering or anything of the sort. I think you understand that, but this bill does provide the imposition of this small increase in the taxes on these various alcoholic beverages and it is committed for two years for this purpose. What happens to the bill is up to the members of this legislature. I think it's a worthy bill, so far you have supported it and I hope you will continue to.

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

Mr. STROUT: Mr. Speaker, I would like to pose a question through the Chair. Did we, in fact object, under suspension of the rules, did we object to him offering an amendment?

The SPEAKER: The Chair would answer in the affirmative.

Mr. STROUT: Mr. Speaker, I think some of us were confused. I thought that if we voted "No" that it meant that he would be

able to offer the amendment and if we voted "Yes" he wouldn't be able to.

The SPEAKER: The Chair would answer in the negative.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: The 106th Legislature decided in its wisdom that a drunk was not a crime so, therefore, it tied the police hands in doing anything with an intoxicated individual. There is an 87-year-old woman in Madison, Maine, who would very definitely say that the million point six that we are coming up with on this bill was being very well spent. She has called over 20 times to the Sheriff's Department for someone to come and do something about her son. The Sheriff's hands have been tied; he could do nothing because there was no place that he could take this individual. This million point six could be well used in this state.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Snowe.

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: I am rising today as a member of the Governor's Council on Drug Abuse and Alcoholism. What I am urging for is a need of funds for these alcoholic treatment facilities. The chairman of the council was recently quoted as saying, "We are facing a crisis in the future of these facilities." He further stated, "We are confronted with a dilemma in either providing no funds at all for one half the facilities or allocating only half of what they actually need to operate."

The problem of funding arose out of the passage of the Uniform Alcoholic Treatment Act in the 106th Legislature which decriminalized public intoxication. As a result, sheltered intoxication facilities had to be established to meet the needs for treatment of individuals no longer subject to criminal penalties for public intoxication.

So far, there are 12 such residential treatment facilities throughout the state and two out-patient programs. However, when these shelters were funded, they were appropriated money for the remaining nine months of the year when the act took effect and when they were refunded for the next year, they were given the same appropriation as they had for the nine months.

It goes without saying that alcoholism is a problem in this state as it is in this country. There are some 50,000 alcoholics in this state alone. Alcoholism costs Maine industry \$75 million in loss of production and in the United States, it costs about \$15 billion.

We consider these treatment facilities and alcoholic treatment programs as the backbone of the state's effort to combat alcohol abuse. These programs are absolutely necessary in order to combat one of the most pressing problems.

I hope you will consider the worthiness of continuing the present level of funding of these programs. At best, I would hope that we could see the way to give the amount critical for operation. I don't question the worthiness of their projects and programs before the legislature today and I concur with the gentleman from Gorham, there are many. I would hope that we could subject this bill to the same scrutiny as the others. I don't see any other alternative. I wish it would go to the Appropriations Table, but as I understand it, it can't. This

revenue is dedicated for only two years.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I was opposed to this bill at first because I thought that there were other things more important, but after talking to the sponsors of this bill, I don't usually change my mind but I feel that for the position which they have taken and the position which the people of this state take, I do urge the people to support this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was unofficially the cosponsor with a member of the unmentionable branch two years ago for this program, and I hope you heard the remarks made by the good lady from Auburn, Mrs. Snowe. I think this is an excellent program, it is an approach that we should have taken long before we did two years ago.

I realize what the good gentleman from Gorham wanted to do; however, this program has got this tax put on it for a two-year period. This is a good program and it might very conceivably be that these twelve centers might go down the drain unless this thing is funded and if you would visit some of these centers as I have, I think you would see the value of them. I think they are extremely worthwhile and I would urge the gentleman from Gorham, Mr. Quinn to withdraw his motion to indefinitely postpone this very fine measure so we could proceed to pass it.

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

Mr. QUINN: If I withdraw my motion to indefinitely postpone, may I then offer my amendment?

The SPEAKER: The Chair would answer in the negative, the rules must first be suspended.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: If the motion to indefinitely postpone is not withdrawn, I would ask for the yeas and nays.

I hope you realize that there are people in this legislature working, especially in the 106th, to decriminalize the idea of alcohol and hope through rehabilitation that people who have problems in the field of alcohol could be corrected. The only way some knew of funding it was through a dedicated tax on the industry where the problem arises from. And knowing now that we have started in this field, there are 12 centers, they have got to be properly funded if we are going to work for rehabilitation in the field of alcoholism and I would hope you would vote against the motion for indefinite postponement and see this bill go on its way.

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 Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: I agree completely and absolutely with the gentleman from Calais

and the gentlewoman from Auburn, the gentleman from Lewiston and the other proponents of alcoholism centers. I think it is a worthy project. I could not possibly fault any of their logic and I will be glad to vote, as one member, for taxes to fund these, but I want to do it in an overall logical sense where we examine the amount of money we are going to have to raise, where we look at these programs and priorities.

We are asked today to put a tax on alcoholic beverages. It is my understanding, and I realize this is not firm yet, but that it is very likely that within the next five days or week there will be another bill coming through here asking for a tax on alcoholic beverages for the purpose of balancing our budget in education. Are you really willing to face today the decision that you already taxed alcoholic beverages this week when your decision comes around for next week? If it does, then you are today making a decision that alcoholic centers receive a higher priority and receive attention before our education deficit does. This, to me, seems to be perfectly unreasonable and an illogical way to do it.

I would further point out again that I feel through my lack of sophistication in the parliamentary process, I have been misused a little bit. I see no reason that these proponents of this noble, this God and motherhood and apple pie proposition that is such a wonderful thing should be so afraid to be willing to vote on a very simple amendment which simply undedicates this money and allows it to go to the Appropriations Table where they can then use the money as they see fit. This indicates to me a certain lack of confidence in the correctness of their own position.

I do not challenge the money for alcoholic centers. I do not argue that this is a small tax; I am perfectly willing to vote for it. I simply say this is the wrong time, the wrong way, it is gross fiscal irresponsibility.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think this morning my good friend down here in the corner, Mr. Rolde, said that I had said I wouldn't vote for any tax increase this session. Well, in this case I did sign this bill out as "ought to pass" because I don't feel this is a tax increase, even though it says on the bill a tax. It was my feeling, after hearing the testimony given on this bill, and the bill did have a good hearing, there was only one opponent who spoke against it and it surprised me that even anybody would appear at that time when we were considering raising the drinking age from 18 to 20. I thought it was a poor time to even appear to oppose a bill such as this. But I have always felt that when there was a problem, that any revenue coming from the cause that creates the problem, there should be some of this money to take care of the problem.

I think in this case, where we have a problem of alcoholism in the State of Maine, there should be a charge put on beer and wine and liquor to fund these rehabilitation centers. I personally, as a member of the Taxation Committee, would like to have seen it increased to just double what this bill has asked so that we could put education into the schools to educate the younger people about the abuse of alcoholic beverages. I would have even gone for doubling the tax, and I would

hope today that we do not indefinitely postpone this bill, because this is not actually a tax, this is something to keep our centers open, it is needed, and there is no other way to do this and this is one way. So if liquor causes a problem, let liquor pay.

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

Mr. PIERCE: Mr. Speaker, a parliamentary inquiry. Would it be proper at this time to reconsider our action whereby we voted not to suspend the rules?

The SPEAKER: The Chair would announce that since a roll call has been ordered on the motion to indefinitely postpone, we must first dispose of that. If indefinite postponement does not prevail, the motion could be made to suspend the rules again.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: In the last session of the legislature, we passed a tax on cigarettes for a certain specific purpose, and that money has been confiscated and gone somewhere else. Are we going to do the same thing with this? That is why I am voting for this. It may be good for this year. They may make the money available for these alcoholic centers, but what is going to happen the next time around? It probably will be used for something else.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I am for indefinitely postponing this bill. I think this is one of a series of sin taxes which are going to be presented to this House, and this is just another indication of taking the easy, I might say the not very brave way out of the dilemma which this House and the other body has found itself in. This is a sales tax, pure and simple, and if it is a sales tax, it is a regressive tax, and if we have three or more of these sin taxes, whether it be on beer, wine, liquor or cigarettes, we are having a succession of sales taxes and we are having the people of the lowest income bracket bearing the burden of those who are so much better off.

We are avoiding what we should have faced a long time ago. This is a very worthy cause, I have no quarrel with that, and so is Mr. Silverman's bill to have alcoholic abuse education in the school. What is wrong is that it is shifting it onto those least able to pay, that is what dedicated funds do.

If you feel that this program is such a wonderful program, and if you feel Mr. Silverman's program, then you should have faced a general revision of our income tax and all other tax laws, not go hiding in corners and you are nibbling away at the poorest, the most indispensable people in this country bit by bit. To use an expression of the streets, you are nickeling and diming them to death, and I certainly urge you to support Mr. Quinn's motion.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you don't vote to indefinitely postpone this bill. I would submit to my simple logic as it comes out that this is just a chance for the people who are going to end up needing treatment to pay a little bit in advance, because they are the folks who are going to

end up in trouble, the very folks who walk into the State Liquor Store and lay down their money, they are the very folks who are going to end up needing these services, whether they be rich or poor. The poor folks, we have a percentage of them in these facilities too.

I am sorry that my good friend Mr. Quinn is upset because of the parliamentary guidelines that have prevented him from reconsidering, but I think that actually he would like to kill the bill and he was able to make his good motion and he has made it and we shall debate it and of course the majority will rule, as always, but I plead with you — and I am involved in these programs and I am very concerned with these people and I see no harm in coming up with the money at the very source of the trouble. I would urge you to vote against indefinite postponement.

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

Mr. QUINN: Mr. Speaker and Members of the House: To show my sincerity and I am really not upset, except that I have to challenge men with the status of Mr. Susi, whom I genuinely respect, but I would urge you to please to vote against my motion to indefinitely postpone. That will then allow us to offer a motion to reconsider, which, I trust Mr. Pierce will do for me and I can then offer the amendment and we will let the amendment ride or fall on its own merits. Then, if the amendment does pass, I will enthusiastically support the bill for the tax increase. So I urge you to vote against my indefinite postponement.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Gorham, Mr. Quinn, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Berry, P. P.; Birt, Carey, Carter, Conners, Cote, Dudley, Dyer, Ingegneri, Mackel, Mills, Powell, Raymond, Tozier.

NAY — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berube, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carpenter, Carroll, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Pierce, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Twitchell, Usher, Wagner, Webber, Wilfong.

ABSENT — Faucher, Hinds, Littlefield, McKernan, McMahan, Pearson, Perkins, S.; Peterson, T.; Post, Truman, Tyndale, Walker, Winship.

Yes, 15; No, 122; Absent, 13.

The SPEAKER: Fifteen having voted in the affirmative and one hundred and twenty-two in the negative, with thirteen being absent, the motion does not prevail.

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

Mr. PIERCE: Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration.

The SPEAKER: The pending question is that the rules be suspended for the purpose of reconsideration. Is there objection? The Chair hears objection and the Chair will order a vote. All in favor of the rules, being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

90 having voted in the affirmative and 40 having voted in the negative, the motion did prevail.

On motion of Mr. Quinn of Gorham, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-711) was read by the Clerk.

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

Mr. QUINN: Mr. Speaker and Members of the House; To explain the amendment briefly, it simply removes paragraph 4 from the bill. Paragraph 4 of the bill says, "Appropriation: There is appropriated from the general fund the sum of \$1,649,847." All this amendment does is take that paragraph off the bill. It remains otherwise unchanged.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this amendment because what we would do if we were to adopt this amendment is then we really would be levying what the gentleman from Bangor previously had referred to as sin tax. This would take the money directly away from the alcoholic rehabilitation centers and it would put it into the general account for SSI, AFDC or as the amendment says, other critically short social or welfare programs. I think if that was going to be the case, instead of playing around with nickels, dimes or pennies, in this case, to fund these programs, then maybe we should start looking if we want to fund the programs, we should start looking at a better means of funding than the penny-ante game that this bill involves.

I think the main thing with this bill, I think this is one of the better bills that have come before us this session, is that here is a way that we can fund the alcoholic rehabilitation centers and we can fund them from the very source of money that causes the problem. And as the good gentleman from Brewer, Mr. Norris, said, this will allow some of the people who are going to use the services to start making the prepayment for those services.

I would hope that you would support the motion for indefinite postponement so we could get this bill back in its proper form and on its way as it originally was.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, has moved the indefinite postponement of House Amendment "A".

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: At the risk of dropping my friend Mr. Quinn out of his seat, I want to make it clear that I am

going to vote against his amendment and I am going to support Mr. Dam. However, the reason I did make the motion that I did was that I felt that Mr. Quinn certainly had the right to bring this matter before this House, and if by giving this back I end up on the losing side, so be it. But I don't feel that we should gag any member of this House in not being able to offer this amendment, and I would urge you to vote for the indefinite postponement of his amendment.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the remarks of the previous speakers. This bill came out of the Taxation Committee with a unanimous "Ought to pass" Report. I feel that this amendment should be indefinitely postponed. I feel that this is an ideal type of way. It is a good tax because the tax is the source of the problem. Many of the people who will be paying the most of this tax are the people who have an alcoholic problem. We already do have the 12 rehabilitation centers. This has already been said, and this bill is going to raise a million six and I feel that this is a good idea.

Also, another thing which hasn't been brought out, this is being funded for two years. To me, this makes the program more accountable because if in two years it hasn't worked, we can just take back the tax. It seems like a sensible way to go to me, and I support this bill just as it is.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I went before the Taxation Committee one time this session and it happened to be on this particular L. D. We got this L. D. out, sponsored by the gentleman from Pittsfield, Mr. Susi, we got it along, and I agree with the remarks of the gentleman from Portland, Mr. Mulkern, and several of the other speakers here, and all of a sudden we find out there are — and maybe I shouldn't say pet projects, but that is exactly what they are in some cases. We all had money bills, some of us had money bills that we withdrew because we knew there wouldn't be funds. Some of these L. D.'s were not withdrawn and they were left around and now we come up with this bill which went through the Taxation Committee, came out unanimous ought to pass and now we are going to ruin this L. D., we are going to take the money away from it and put it someplace else. I oppose this amendment, I don't think it is the right way to go. I am very much against using an L. D. that was designed for one purpose to come out here and fund other projects, and I would hope that you would vote for the indefinite postponement of this amendment.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: The support for this legislation is certainly gratifying. I couldn't help thinking, sitting here, that around the state there are some tens of thousands of people who would be warmed by the reaction that this bill is getting. I think they are unfortunate people, they are deserving people, and I think this bill does deserve the sort of support it is getting and I feel happy for it.

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

Mr. QUINN: Mr. Speaker and Members of the House: Mr. Susi did use a term that appeals to me. He says there are many people around the state who will be warmed. Many of those people in my district, are elderly, and they will not be warm next winter. Your choice is very simple, you are saying today that your need and desire to spend this money for alcoholic centers in more important than your concern for your SSI people, for your elderly people, for your AFDC people for these unborn children, all these good things.

I am not saying that this money is going to get ripped off into some mysterious pool, this \$1,649,000 will go under the tender care and administrations of our Appropriations Committee and our leadership, and I, for one, am perfectly willing to trust their good judgment and their good sense in the manner in which they apportion this money.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the gentleman's trust, but I would hope you would leave the bill intact.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I would just say briefly, again to my good friend from Gorham, Representative Quinn, that if he will trust these very people that he speaks of, the Appropriations Committee and the Taxation Committee and the leadership, I am sure that there will be another budget document come on to this floor and I am sure that there will be arrangements made to take care of those high priority matters. Those people are really expert and probably do know what they are doing and I have seen no opposition to this legislation from the Appropriations Committee and of course it came out of the Taxation Committee.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Speaking as an individual member and also a member of the Appropriations Committee, it would indicate to me that the trust that the gentleman from Gorham, Mr. Quinn, is placing in me, is not necessarily the trust that I placed in him a few moments ago. He put in quite a pitch for SSI, for which I voted for until the seams were about ready to burst open and all the other programs.

I very definitely hope that we leave this thing alone, leave it as is. When the vote is taken, I ask that it be taken by the yeas and nays, and quickly I hope.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Snowe.

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I want to underscore and underline and emphasize, that in no way, by supporting this bill, does it mean that I don't support other good measures that the gentleman from Gorham, Mr. Quinn, has mentioned.

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 the motion of indefinite postponement of House Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bagley, Bennett, Berry, G. W.; Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Drigotas, Dudley, Durgin, Fenlason, Finemore, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, R.; Maxwell, McBrearty, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Perkins, T.; Peterson, P.; Pierce, Post, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snowe, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Twitchell, Wagner, Webber, Wilfong.

NAY — Bachrach, Berry, P. P.; Berube, Dyer, Farnham, Fraser, Henderson, Lewis, Mackel, Martin, A.; Pelosi, Powell, Quinn, Raymond, Snow, Spencer, Strout, Talbot, Usher.

ABSENT — Albert, Ault, Cote, Dow, Farley, Faucher, Garsoe, Hall, Hinds, McKernan, McMahon, Pearson, Perkins, S.; Peterson, T.; Smith, Tozier, Truman, Tyndale, Walker, Winship.

Yes, 111; No, 19; Absent, 20.

The SPEAKER: One hundred and eleven having voted in the affirmative and nineteen in the negative, with twenty being absent, the motion does prevail.

Mr. Quinn of Gorham requested a roll call on passage to be engrossed.

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 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 ending question is passage to be engrossed on Bill, "An Act to Raise the Tax on Beer, Wine and Other Alcoholic Beverages to Provide Operating Funds for Alcohol Treatment Facilities." House Paper 773, L. D. 44. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bagley, Bennett, Berry, G. W.; Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carpenter, Carroll, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Dam, Doak, Drigotas, Dudley, Durgin, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, R.; Maxwell, McBrearty, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau,

Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Pierce, Post, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Wagner, Webber, Wilfong.

NAY — Bachrach, Berry, P. P.; Berube, Birt, Carey, Carter, Dyer, Farnham, Hall, Henderson, Ingegneri, Lewis, Lizotte, Mackel, Martin, A.; Peterson, T.; Powell, Quinn, Raymond, Snow, Usher.

ABSENT — Albert, Ault, Cote, DeVane, Dow, Farley, Faucher, Garsoe, Hinds, McKernan, McMahon, Pearson, Perkins, T.; Truman, Tyndale, Walker, Winship.

Yes, 112; No, 21; Absent, 17.

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

Thereupon, the Bill was passed to be engrossed.

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

The Chair laid before the House the fourth matter of unfinished business:

Senate Divided Report — Majority (9)

"Ought Not to Pass" — Minority (4)

"Ought to Pass" — Committee on

Education on Bill "An Act to Establish Job

Development, Placement and Follow-up

Services in Secondary Schools" (S. P. 476)

(L. D. 1609). — In Senate, Passed to be

Engrossed, May 15. — In House,

Indefinitely Postponed, May 29. — In

Senate, Passed to be Engrossed as

amended by Senate Amendment "A"

(S-252), June 4. — In House, House

Receded and Concurred, June 5.

Tabled — June 10 (til later today), by

Mrs. Najarian of Portland.

Pending — Motion of Mr. Leonard Of

Woolwich to Reconsider Receding and

Concurring.

The House voted to reconsider its action

whereby it receded and concurred with the

Senate.

On motion of Mr. Connolly of Portland

the House voted to recede from passage to

be engrossed.

On further motion of the same

gentleman the House voted to recede from

the adoption of Senate Amendment "A".

The same gentleman offered House

Amendment "A" to Senate Amendment

"A" and moved its adoption.

House Amendment "A" to Senate

Amendment "A" (H-721) was read by the

Clerk and adopted.

Senate Amendment "A" as amended by

House Amendment "A" thereto was

adopted.

The SPEAKER: The Chair recognizes

the gentleman from Danforth, Mr.

Fenlason.

Mr. FENLASON: Mr. Speaker and

Members of the House: Is this bill still

under consideration?

The SPEAKER: The Chair would

answer in the affirmative.

The gentleman may proceed.

Mr. FENLASON: Mr. Speaker, Ladies

and Gentlemen of the House: I would like

to review this bill very briefly. You

probably will remember that we

indefinitely postponed this bill about May

29th, it went to the other body and came

back to us.

I would briefly review what this bill

does. It mandates really putting

employment agencies into our high

schools. We have had two amendments,

one to give temporary relief for small schools, and a second amendment to take out the word temporary and it is an exemption.

I still feel that the secondary schools in the State of Maine are not the place to put an employment agency, I further believe that it is not the duty of this body or of the legislature to mandate what is being done in the schools, I think that is a matter for the Department of Education and Cultural Services, for the State Board of Education and for the other bodies that are allied with those.

Since this bill has been kicking around, I had the opportunity to go over to the State Department of Education and Cultural Services, and consult with the guidance department and I was assured that the students who get the most attention by the guidance counselors in the State of Maine are those who are not college oriented, that under normal conditions the college bound student goes into the guidance office, maybe once or twice in a year. Some of the other students who are not headed in that direction are into the office repeatedly for help and advice, not only on job placement, but on personal problems, family problems, and that sort of thing.

I also was informed that in most schools there was a concerted attempt to place every grade 12 student, every year, before he left the school and that there was in many cases, some followup. I determined also that the State Employment Commission is very willing to go into any high school if requested, give the GATB tests, give advice to the students and would practically guarantee that they would place a student if at all possible in the economy.

I found out also that there were 50 employment counselors under the State Employment Commission in the State of Maine, who were dedicated to doing this work. I still feel that there is no necessity for this bill. I feel that there is no need for interference in the high schools.

I move that this bill and all of its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair would inform the gentleman from Danforth that the motion to indefinitely postpone is not in order since this is a non-concurrent matter. The gentleman may, if he wishes, request a vote on passage to be engrossed in non-concurrence.

Mr. Fenlason of Danforth requested a vote on passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Members of the House: I concur with the gentleman from Danforth, Mr. Fenlason, and I would just like to add very briefly, as I know the hour is getting late. I had occasion to research this with some of the superintendents and I got back a letter from a superintendent down in Hancock County, which I would like to read, at this time, just to inject these thoughts to give you something to think about. "Thank you for your note on L. D. 1609. Some superintendents have expressed opposition to this bill for several reasons. One, presently guidance people perform some of the services described in the measure, some of the items in the bill fall into the category of vocational education. The new regions which we are now setting up in the State of Maine plus the old ones will cover the entire state. It appears obvious that this bill requires duplication

of existing services or services about to be forthcoming with the vocational region.

Now, you are in a position right now, within the state, to be setting up these regional vocational concepts. I feel that we are jumping in ahead of something that probably will be coming in its own good time. The bill will require, and this is the point that I think that we should not be doing at this time any more than we did when we came up here, and mandated these school systems to put in a hot lunch program and we are told by some of the people on some of the island communities, we don't want to serve it, we will do what we want to do in our own way. The bill will require, in some systems, the employment of an additional person to carry out the act. Many of us are reluctant to employ extra people with the money as tight as it is now. The concepts are good but I hope it stumbles somewhere along the line.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I asked that this bill be tabled before, because I very much am opposed to the bill, not necessarily in concept, but due to the fact that I don't think we should mandate from here, what our schools are to do on a local level and especially with their own money. I think they are perfectly capable of establishing their priorities and certainly it is very difficult now-a-days to give a child a good education and one that is equal to others throughout the state. If we start mandating particular programs, then maybe there is a possibility that they will have to put aside some of the more important programs in order to comply with the wishes of this legislature.

You will see two amendments to this bill in front of you. I let the hammer go down on both of them because if this body so chooses I would rather see the amendments on, than not. There will be a person, I am sure, I expect, another representative, who will tell you that these amendments really takes the sting out of this bill. The Senate amendment provides for a temporary exemption for schools that do not have the necessary resources to comply with the legislation. That can be granted by the Commissioner of Education and Cultural Services. Then by House Amendment "A" to Senate Amendment, "A", they are asking for a temporary exemption in lieu of temporary exemption, it will be an exemption. But, it reads on, if you take the two together, that exemption, "schools without the necessary resources to meet the provisions of this legislation may apply for exemption to the Commissioner of Educational and Cultural Services." I get stuck and hung up on the words, "without the necessary resources," because, at some time, a school is going to find itself in a position where they do have resources and then we, at that time, will be mandating what their alternatives are and perhaps the alternatives that they might pursue would be better for the students in that town or that school and it would afford the students in that school with a better education. I don't think it is necessary, I have talked with my superintendents, I have talked with principals, they are against this, evidently the guidance department somewhere, somehow, the guidance department somewhere, I don't know just where it is, is in favor of this. Of course, that is an empire position, anyway, if you can mandate this on a

guidance program you certainly enhance the chances of the guidance teachers getting jobs in our school systems. When the principals and the superintendents are against it, I can't see where this legislature, in its wisdom, would know best. I don't know what the motion is, but if it is one that would get rid of that bill, that is fine with me, if it isn't, I move to adhere.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. I am a little confused this afternoon. The debate of the folks that are against this bill, they tell us that the superintendents inform them that it is being done and then they say that a lot of the superintendents don't want to do it. My good friend, Mr. MacLeod says that his people are doing it but they are against it and there is also vocational setups being put in so that it will be done, and if this is true, yet he says it is going to cost more money to fund it, if this is true, won't that really carry out the dictates of this bill and where is our problem? If they are really doing it, then the bill presents no problem to them.

I would submit, that in the confusion here, where we are focusing on the thrust of the title of the bill, actually from the testimony that they have had from the two major opponents, most of the people are doing it, and those that aren't are setting in vocational programs that they are going to do it under anyway, which will be funded under the School Education Law that we have already passed and funded. I don't see why we have a great problem with it.

I would hope that we would pass it to be engrossed again and then send it back in non-concurrence and hope that the Senate would recede and concur with us.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you that the Education Committee reported this out two to one "Ought Not to Pass" and the feeling was, amongst those who signed the "Ought Not to Pass", that it did involve local funds. It is not being done to any great extent in the State of Maine. It will require extra help, it will require local money and if you vote for the bill, be prepared to tell your people just to raise the money, that you think it best that they do it.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you understand the issue. When this bill was first on the floor, we passed it, then we defeated it and the arguments that were used to defeat it were exactly the arguments that Mr. Lynch just spoke about, that it is going to cost money, at least in some school districts. Well, there was an amendment that was put on this bill in the Senate that said, if a school district does not have the resources to carry out the purpose of this act, they may apply for a temporary exemption. The amendment we just accepted now, takes the word temporary out of it so it says that a school district may apply for an exemption. We have covered that point, if it is going to cost the school district money, then they can go apply for an exemption and they won't have to do anything as far as this bill is concerned.

The other point was the point made by

Mr. Norris, and he is absolutely correct, that if the program is already being offered within a school district, then they don't have to worry about this particular bill. It is a good bill, I don't see where the problem is. I hope you support the bill.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I voted against this bill a week or so ago, and had a little guilty conscience so I talked to my superintendent of schools over the weekend and he said, Good Heavens, Rod, you have passed a bill which now makes us teach some bicycle safety, I expect the next session because we do have first, second and third graders, you will have a tricycle safety bill in. He said we need this, like I can't use his expression.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Just to correct one possible misunderstanding that the gentleman from Brewer, I believe, indicated we had passed this to be engrossed, the only action we have ever taken on this, except under the hammer, I understand, was to indefinitely postpone it here on May 29th. I hope we will find our way through to be able to do that again today.

The confusion that the gentleman from Brewer relates to is that, indeed, we are saying to all school systems, this is a program you are going to put in, subject to the amendments put on in the Senate and that there are indeed vocational centers that are going to have a sophisticated area of this, in effect, but there will be many schools that this won't even fit.

I submit that the basic problem and the one we should keep in mind as we vote, is that someone sees a problem at the local level and thinks they have got to trot to Augusta to correct it. I say, if you go to your local school boards and if you have a problem, correct it there, you are going to be doing a much better job. We also should keep in mind the fact that we have mandated that these school systems are going to operate on a restriction of no more than the 6 percent increase of the second year of the biennium. This bill is not consistent with that because in spite of the proponents refusal to put some money on it, it is going to cost money.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Again, to rebut the arguments of the gentleman from Cumberland the bill will not cost any money, if the plan is to be implemented on the local level and the school district says we are going to have to hire X number of guidance counselors to implement it, then they can apply for a waiver and the Department of Education who has already indicated their position on the bill, I am sure is going to grant that waiver.

Just to present the problem to you, the unemployment of youth in this state, and I have been serving on that jobs committee, so I know a little bit about it, for kids that are between 18 and 21, is between 30 and 40 percent, and 60 percent of the kids who graduate from high school in Maine, did not go on to college. The point of this bill is to try to make the educational system of the state, where it has fallen

down in this area in the past, pay some attention to those kids who aren't going to go on to college. I hope you pass it.

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

A vote of the House was taken.

Mr. LaPointe of Portland requested a roll call vote.

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

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

The SPEAKER: The pending question is passage to be engrossed as amended on Bill "An Act to Establish Job Development, Placement and Followup Services in Secondary Schools" Senate Paper 467, L.D. 1609 in non-concurrence. All in favor of passage to be engrossed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bennett, Blodgett, Boudreau, Bustin, Byers, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Dam, Davies, Goodwin, H.; Goodwin, K.; Hewes, Hobbins, Hughes, Ingegneri, Jensen, Kany, Kelleher, LaPointe, MacEachern, Martin, R.; Mitchell, Mulkern, Nadeau, Najarian, Norris, Pelosi, Peterson, T.; Powell, Rolde, Saunders, Smith, Spencer, Stubbs, Talbot, Tierney, Torrey, Wagner, Wilfong.

NAY — Albert, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Burns, Call, Carey, Carpenter, Carroll, Churchill, Conners, Curtis, DeVane, Doak, Drigotas, Durgin, Dyer, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Gould, Gray, Greenlaw; Hall, Henderson, Hennessey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, Mills, Miskavage, Morin, Morton, Palmer, Peakes, Perkins, T.; Peterson, P.; Pierce, Post, Quinn, Raymond, Rideout, Rollins, Shute, Snow, Snowe, Sprowl, Strout, Susi, Tarr, Teague, Theriault, Tozier, Twitchell, Usher, Webber.

ABSENT — Ault, Carter, Cote, Curran, R.; Dow, Dudley, Farley, Faucher, Hinds, Joyce, Lewis, McKernan, McMahon, Pearson, Perkins, S.; Silverman, Truman, Tyndale, Walker, Winship.

Yes, 43; No, 87; Absent, 20.

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

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I now move the House reconsider its action whereby this bill failed of passage to be engrossed.

The SPEAKER: The pending question is the motion of the gentleman from Woolwich, Mr. Leonard, who moves the House reconsider its action whereby this Bill failed of passage to be engrossed. All in favor of that motion will say yes; those opposed will say no.

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

Sent up for concurrence.

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

The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE 04333

June 10, 1975

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

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Amend the Definition of "School Bus" to Include School Buses Rented from School Administrative Units by Non-profit Organizations in Order to Transport Children" (H. P. 1666) (L. D. 1919).

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
AUGUSTA

June 10, 1975

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

The Senate today voted to Insist and Join in a Committee of Conference on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor (H. P. 16) (L. D. 24).

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Joint Order: (S. P. 569)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Rev. Michael J. McDonald who has Completed 25 Years of Dedicated Service to the People of the Diocese of Portland

We the Members of the Senate and House of Representatives 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.

Came from the Senate read and passed.

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

From the Senate: The following Joint Order: (S. P. 570)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

The Sterns High School Minutemen

Boys Varsity Baseball Team

Northern Penobscot League Champions

We the Members of the Senate and

House of Representatives 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.

Came from the Senate read and passed.

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

From the Senate: The following Joint Order: (S. P. 571)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

Lt. Steven Mehalcik

Of Auburn

One of The First Two Municipal Police Officers to Receive an Associate of Science Degree From The Criminal Justice Program of The University of Maine At Augusta

We the Members of the Senate and House of Representatives 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.

Came from the Senate read and passed.

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

From the Senate: The following Joint Order: (S. P. 572)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

Captain Robert T. Tiner, Jr.

Of Auburn

One of The First Two Municipal Police Officers To receive an Associate of Science degree from the Criminal Justice Program of The University of Maine At Augusta

We the Members of the Senate and House of Representatives 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.

Came from the Senate read and passed.

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

From the Senate: The following Joint Order: (S. P. 573)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

The Capers of Cape Cape Elizabeth High School

Boys Varsity Baseball Team

State Class B Runner-up Champions

We the Members of the Senate and House of Representatives 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.

Came from the Senate read and passed.

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

Bill "An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine" (H. P. 1128) (L. D. 1404) which was passed to be engrossed as amended by House Amendment "A" (H-667) in the House on June 9.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-667) as amended by Senate Amendment "A" (S-290) thereto in non-concurrence.

In the House: On motion of Mrs. Boudreau of Portland, the House voted to recede and concur.

Bill "An Act Amending Laws Relating to Hospitalization of the Mentally Ill" (S. P. 368) (L. D. 1204) which was passed to be engrossed as amended by Committee Amendment "A" (S-195) as amended by House Amendment "B" (H-681) in the House on June 9.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-195) and asked for a Committee of Conference.

In the House: On motion of Mr. Burns of Anson, the House voted to insist and joint in a Committee of Conference.

Bill "An Act to Revise the Fish and Game Laws" (H. P. 1425) (L. D. 1817) In Senate passed to be engrossed as amended by Committee Amendment "A" (H-457) and Senate Amendment "B" (S-222) in non-concurrence on June 2. House receded and concurred on June 3.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-457) and Senate Amendments "B" (S-222) and "C" (S-287) in non-concurrence.

In the House: The House voted to recede and concur.

On Motion of Mr. MacLeod of Bar Harbor, the following Joint Resolution: (H. P. 1695) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Joint Resolution Designating

Bar Harbor Airlines

Aircraft N 200TC as The Official Bicentennial Airplane for the State of Maine

Whereas, the United States of America will soon celebrate its 200th birthday; and

Whereas, the State of Maine, its citizens and many Maine organizations are participating in Bicentennial programs; and

Whereas, Bar Harbor Airlines is also participating in the Bicentennial by painting Beech 99 Aircraft N 200TC in a Bicentennial motif; and

Whereas, Bar Harbor Airlines plans to name this aircraft the State of Maine and to carry the Bicentennial theme to many corners of our country; and

Whereas, Bar Harbor Airlines will entertain proposals from interested parties for participation in Bicentennial events within and on behalf of the State of Maine; now, therefore, be it

Resolved, that We, the Members of the 107th Legislature in regular session now assembled, do hereby proclaim Bar Harbor Airlines Aircraft N 200TC to be the official Maine Bicentennial airplane and call upon the citizens of the State of Maine to recognize this aircraft as the State of Maine's Flying Birthday Card to our country; and be it further

Resolved, that a suitable copy of this Joint Resolution be sent by the Secretary of State to Bar Harbor Airlines for appropriate display upon the Bar Harbor Airlines Aircraft N 200TC

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I have put on your desks today, and with your indulgence I will speak just very briefly to the airplanes that I have had floating around. I have had a few of them back with some nice remarks on them asking when I can give you a free ride and that indicated that there weren't any motors on the plane, but I did not think that this was a nice gesture on behalf of one of our Maine businesses which is based in Bar Harbor, Portland and in Boston, and they are flying through the country and out of the country. They are flying to Quebec and they also have service to Presque Isle, and this plane would be representing the State of Maine and carrying the birthday message on behalf of the State of Maine.

I hope that you will give it your indulgence and quick passage.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I am very much in favor of this. I do have one question, I guess, for anybody who is in the aircraft industry. Are we showing preference of treatment to one carrier in the state by doing this, and by no means do I want to limit Bar Harbor Airlines, but are there other private carriers that might take offense to this because you picked one particular carrier to represent the State of Maine? I only ask this because we might make an amendment of something like this to include all of the carriers that come into Maine or that would wish to participate in this. I would ask the question of the good gentleman and perhaps he could answer it for me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, has posed a question through the Chair to the gentleman from Bar Harbor, Mr. MacLeod, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. MacLEOD: Mr. Speaker, this request came from the ticket office of the Bar Harbor Airways, which is in the Bangor International Airport, by their publicity people, and I know of no other airlines that have gone to the expense to paint a plane such as they have with the bicentennial motif and therefore I just can't answer the gentleman any differently than that at this time.

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

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

House Divided Report — Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-670) — Minority (3) Ought Not to Pass" — Committee on Judiciary on Bill "An Act to

Provide Alternatives to the Compulsory Attendance Law" (H. P. 858) (L. D. 1079)

Tabled — June 9, by Mr. Gauthier of Sanford.

Pending — Motion of same gentleman to accept the Majority "Ought to Pass" as amended Report.

On motion of Mr. Rolde of York, retabled pending the motion of Mr. Gauthier of Sanford to accept the Majority Report and tomorrow assigned.

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

Bill "An Act Establishing Educational Requirements for Licensing of Real Estate Brokers" (H. P. 1677) (L. D. 1924)

Tabled — June 9, by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed.

On motion of Mrs. Najarian of Portland, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Amend the Maine Housing Authorities Act by Creating a Loans-to-Lenders Program and Making Changes to Improve the Efficiency of Using Federal Housing Funds" (S. P. 286) (L. D. 1002) (C. "A" S-235). — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-235) as amended by Senate Amendment "A" (S-254) and Senate Amendment "B" (S-258), thereto.

Tabled — June 9, by Mr. Cooney of Sabattus.

Pending — Passage to be Engrossed as amended.

On motion of Mr. Cooney of Sabattus, retabled pending passage to be engrossed as amended and later today assigned.

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

An Act to Clarify the Laws Relating to Dentistry. (S. P. 70) (L. D. 235) (C. "B" S-205)

Tabled — June 9, by Mr. Rolde of York.

Pending — Passage to be Enacted.

On motion of Mr. Rolde of York, retabled pending passage to be enacted and tomorrow assigned.

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

An Act to Provide Special Designating Registration Plates for Certain Veterans (H. P. 450) (L. D. 557) (H. "A" H-598) (C. "A" H-565)

Tabled — June 9, by Mr. Theriault of Rumford.

Pending — Passage to be Enacted.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Two days ago I asked the gentleman from Rumford, Mr. Theriault, to table this bill because I have very strong reservations, I have had indications today that if this bill passes in its present form, it is going to have trouble downstairs.

I sincerely believe that the questions I have asked of the Motor Vehicle Department that there is absolutely a cost of \$680 on this bill. I have been told that it would be better to pass this bill and take it out of the general highway fund. This doesn't bother me, but I really and truly believe that if we are going to pass this bill and send it to the Governor's office, that there should be an appropriation of \$680.

put on this bill because if we don't, this is going to give the Governor the exact comments that he is going to say that we are sending a bill to his desk that is underfunded. As I say, two days ago I asked the gentleman to table this, he told me that it doesn't need an appropriation, I feel that definitely it does, and Mr. Speaker, if we are going to enact this bill today and send it to the Governor as it is, I would ask for a roll call and I would have to vote against the bill.

There is a cost of \$680 dollars on this bill, and I don't think we have to get the information from the Finance Office. If it is going to cost a dollar for each one of these plates, as I say, if we are going to enact this bill today in its present form, and I support this bill, if I am going to send this bill on, I ask for a roll call and I shall have to vote against the bill.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: We went through this and I sent to the Legislative Research and asked them to make up the amendment, and they took the information down. They then contacted Mr. Garside of Legislative Finance and he told them that it was not necessary to have this amendment. So I went over to see Mr. Garside myself. I told him that Mr. Wyman had said that the thing would cost \$680, because that is one dollar for each set of plates, so he called up Mr. Wyman and Mr. Wyman told him, after some talking, that this cost could be absorbed by the department and that there was no need of an amendment for the cost.

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

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

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

ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Chonko, Churchill, Clark, Connors, Cooney, Cox, Curtis, Dam, Doak, Drigotas, Durgin, Farnham, Fenlason, Finemore, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hunter, Hutchings, Ingegneri, Jacques, Jalbert, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewis, Littlefield, Lovell, Lunt, Mackel, MacLeod, Mahany, Maxwell, McBrearty, Mills, Miskavage, Mitchell, Morton, Nadeau, Norris, Palmer, Peakes, Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Shute, Smith, Snowe, Spencer, Tarr, Teague, Theriault, Tierney, Torrey, Usher, Webber, Wilfong.

NAY — Connolly, DeVane, Hall, Hughes, Jackson, Jensen, LaPointe, Lewin, Lizotte, Martin, A.; Raymond, Rollins, Snow, Sprowl, Strout, Stubbs, Tozier, Twitchell.

ABSENT — Ault, Birt, Carter, Cote, Curran, P.; Curran, R.; Davies, Dow,

Dudley, Dyer, Farley, Faucher, Flanagan, Gauthier, Goodwin, H.; Hinds, Immonen, Joyce, Lynch, MacEachern, Martin, R.; McKernan, McMahon, Morin, Mulkern, Najarian, Pearson, Pelosi, Perkins, S.; Perkins, T.; Saunders, Silverman, Susi, Talbot, Truman, Tyndale, Wagner, Walker, Winship.

Yes, 93; No, 18; Absent, 39.

The SPEAKER: Ninety-three having voted in the affirmative and eighteen in the negative, with thirty-nine being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

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

Bill "An Act to Clarify the Laws Relating to Municipalities" (S. P. 236) (L. D. 815). — In Senate, Passed to be engrossed as amended by Committee Amendment "A" (S-231)

Tabled — June 9, by Mr. Rolde of York.

Pending — Adoption of Committee Amendment "A" (S-231)

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

House Amendment "C" to Committee Amendment "A" (H-718) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence and the Bill assigned for second reading, tomorrow.

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

An Act Relating to the Maine Dairy and Nutrition Council (H. P. 642) (L. D. 825)

Tabled — June 9, by Mr. Kelleher of Bangor.

Pending — Passage to be Enacted.

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

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

Bill "An Act Relating to Commercial Fishing and the Increase of Certain License Fees Issued by the Department of Marine Resources" (H. P. 1118) (L. D. 1415) (C. "A" H-572)

Tabled — June 9, by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed as amended.

Mr. Greenlaw of Stonington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-691) was read by the Clerk and adopted.

Mr. Webber of Belfast offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-725) was read by the Clerk and adopted.

Mrs. Post of Owls Head offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-733) was read by the Clerk.

Mr. Jackson of Yarmouth moved this matter be tabled for one legislative day.

Mr. Mills of Eastport requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Yarmouth, Mr. Jackson, that this matter be tabled pending the adoption of House Amendment "C" and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 23

having voted in the negative, the motion did prevail.

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

Bill "An Act Relating to the Division of Hundred-Weight Fees between the Maine Milk Commission and the Maine Dairy Council Committee" (S. P. 417) (L. D. 1374) (C. "A" S-1215)

Tabled — June 9, by Mr. LaPointe of Portland.

Pending — Passage to be Engrossed as amended.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

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

Joint Order — Relative to Joint Select Committee on Jobs (S. P. 555)

Tabled — June 9, by Mr. Rolde of York.

Pending — Passage.

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

House Amendment "A" (H-716) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: As the House Chairman of the Jobs Committee, I would just like to let everybody know that the controversy that surrounded the existence of the Jobs Committee has been resolved through this amendment. It is my understanding that this amendment would insure that the Jobs Committee would continue in existence and that the recommendations of the Jobs Committee in the report that was put out on Monday will be referred to the Legislative Council and then those recommendations that merit further consideration would be referred back to the Jobs Committee through the Legislative Council for further study, and that is what that order, I understand, accomplishes and I urge passage of the order.

Thereupon, House Amendment "A" was adopted.

The Order Received passage as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act Relating to Exemption of the East Auburn Community Unit, Inc., from Property Taxes. (S. P. 482) (L. D. 1613) — In House, Majority "Ought Not to Pass" Report of the Committee on Taxation read and accepted June 5. — In Senate, Insisted on former Action whereby the Minority "Ought to Pass" Report of the Committee on Taxation read and accepted and Bill passed to be engrossed in non-concurrence.

Tabled — June 9, by Mr. Drigotas of Auburn.

Pending — Further Consideration.

On motion of Mr. Rolde of York, retabled pending further consideration and tomorrow assigned.

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

Bill "An Act to Provide Minimum Standards for the Protection of the Rights of Residents of Public Institutions" (H. P. 1219) (L. D. 1807) (C. "A" H-553)

Tabled — June 9, by Mrs. Clark of Freeport.

Pending Motion of Mr. Raymond of Lewiston to Indefinitely Postpone House Amendment "A" (H-648) to Committee Amendment "A" (H-553).

On motion of Mr. Rolde of York, retabled pending the motion of Mr. Raymond of Lewiston to indefinitely postpone House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

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

House Divided Report — Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-661) — Minority (6) "Ought to Pass" as amended by Committee Amendment "B" (H-662) — Committee on Marine Resources on Bill "An Act to Temporarily Suspend the Lobster and Crab Fishing Moratorium" (Emergency) (H. P. 1141) (L. D. 1237)

Tabled — June 9, Mr. Rolde of York.

Pending — Acceptance of either Report.

Mr. Greenlaw of Stonington moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, moves the House accept the Majority "Ought to pass" Report.

The gentleman may proceed.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: The bill before the House this afternoon concerns itself with a lobster license moratorium. The two committee reports are exactly the same except for the emergency preamble on Committee Amendment "B".

One year ago, with the threat of a suit in the Federal District Court challenging the three-year residency requirement to hold a lobster license, the legislature enacted a moratorium on the issue of licenses effective May 15, 1974. The Department of Marine Resources and those of us who represent coastal constituencies attempted to give national publicity to the impending moratorium. The three judge federal district court finally ruled in December that the three-year residency requirement did in fact violate the equal protection clause, of the 14th Amendment to the United States Constitution.

Many of us worked long and hard last year and this year to come up with a limited entry lobster bill to deal with the problems of our fish and the lobster resource. The Committee on Marine Resources considered several bills this session but did not come up with any type of agreement to bring a bill out to the floor of the House. The moratorium is scheduled to start December 31, 1975; and I shall not be a supporter of any efforts to extend that moratorium.

This is an unpopular position to take, and I even wish now that I had signed an "ought not to pass" report on this bill. I think the thing we should be most concerned about is the pressure that is on the lobster fishery resource and I would indicate to those of you who represent fishing constituencies in York and Cumberland County that in my opinion, after working with the lobstermen for three years, the resource in those areas is being greatly overfished. Lobster fishermen from those areas have been extremely supportive of the legislation that we have attempted to introduce concerning limited entry and trap limits.

The reason I do not want to see this bill enacted as an emergency measure is because I think if we did, there would be a great number of people that would apply for licenses during the summer, creating

additional pressure on the lobster resource, which I personally find unacceptable and I think it puts the resource in a very unfortunate situation.

I realize this is not a popular thing to say, considering the fact that there are a great number of people unemployed in the state, but as you vote on this measure and we debate this measure, I would ask you to give some consideration to the lobster resource and the tremendous amount of oarfishing that presently takes place today.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that I put in at the first of the session because of quite a few constituents in my area that wished to get a lobster license but were unable to do so.

The gentleman from Stonington is correct when he said that a year ago we enacted a moratorium on these lobster licenses to give the department the time to come up with some residency requirement because of a court case against the State of Maine. Well, the Department of Marine Resources had a year to come up with some kind of residency requirement, and I am not positive what those requirements are at the present. Probably some member of the committee could tell us what they are.

I don't personally feel it is right that the legislature should have a moratorium on any industry when we have the high unemployment that we have at the present time. I think this is the wrong approach that we should take to this matter.

I have people in my district whose families have fished for over a hundred years and the children in these families are unable to get a lobster license simply because I feel there is a certain group in the lobster industry that wants to protect this for only a small group of people.

The moratorium was put on and it was supposed to cut down the number of lobster licenses sold in the State of Maine, and I would like to tell you what happened after the moratorium was put on and before it took effect. In 1972, there were 7,000 licenses sold; 1973, there were 7,800 licenses sold. Then in 1974, when the moratorium was put on, there were 10,500 licenses sold. So I don't think the moratorium is the answer to this problem.

The difference in the two reports, Report A and Report B, is that Report A would go into effect 90 days after the legislature closes, which might be in the area of October, and if we do nothing at all with this bill, the lobster license moratorium will be taken off December 31 in any event. So if you accept Report A, we might as well indefinitely postpone the whole bill and let it come off December 31, because you are not doing anyone any favor by taking it off October 15.

I would hope that we could accept the Minority Report as an emergency measure and repeal the moratorium immediately.

I have a little article here that was in the paper, the Bangor paper a couple months ago when the hearing was held on this bill. This is about a lobster fisherman from Stonington who had fished for lobsters 22 years. He got out of the lobster fishing business for one year, he thought he might want to be a carpenter. Well, he tried his hand at carpentering and that didn't work out too well, so he built himself a boat. He built a boat, had 700 traps, applied to the

Department of Marine Resources for a lobster license. They said he couldn't have a lobster license. Here is a man who has been in the industry for 22 years, can't get a lobster license, can't go to work. We have people in the state who want to go to work and for some reason we won't let these people have a license to go to work. So I would hope that you would accept the Minority "ought to pass" Report or Report "B".

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

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: I support the minority position on this bill. We had some fellows come before our committee, and I am on the Marine Resources and I signed the bill out as an emergency measure. People came before our committee who had lobstered, as the gentleman from Stockton Springs, Mr. Shute, said, but now, because of the year that the moratorium was put on, they did not have a lobster license and now they would like to get one because they can't get work. So I say, are we going to hold this on and send these fellows over across the street to Health and Welfare for welfare, or are we going to give them a chance to go out and make a living doing something they know how to do?

Under Report A that the gentleman from Stonington, Mr. Greenlaw, favors, if we pass that, it will go into October and over my way, in October most of the lobster fishermen stop fishing, the fishing is pretty near over, so we might as well forget it. I think we should not support Report "A" but support Report "B".

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I support Report "A" and I will give you very briefly my reasons why.

The moratorium was originally set up for two reasons; one was to give us time to develop a lobster bill and the other was to give us time to try and define residency in this state. As you may remember, residency, in order to get a lobster fishing license, used to be eight years. This was challenged in federal court and it was overturned that the court never really substituted what residency is in order to get a license, what time we could use to do this.

As you may know, the lobster bill is going out to study. There was no consensus on it, though I was very pleased to see that the lobstermen as a whole got together and that they are getting together as far as their thinking on the coast. It is out to study and therefore that reason is not a valid reason at this point in order to keep it.

The residency reason, I think, still is a valid reason. The Department of Marine Resources feels that residency in the state, six months is a valid time. I have here a letter from the Attorney General's Office stating that six months would not stand up in court. Our own feeling has been the question of where a person is domiciled should be the decision as to granting a license and where their actual domicile is.

This is still being worked on. In the meantime, you may have noticed there is a bill in here to set up a special class of sternmen's licenses which would exempt the sternmen from the moratorium, he could get a license, it would be ten dollars, and this would take some of the pressure off some of the people who want to fish, they could go as sternmen. In the meantime, we have a very fine resource

that is under a great pressure and by going with Report A, you would not subject it to the high degree of pressure of fishing during the summer months and it would also speed up some of the time or would give the fishermen a chance to get into the Fall fishing starting in October. I hope you will vote for Report A.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House I, too, signed the Minority "Ought to Pass" Report as an emergency. Not only in my district but all along the coast we have people who are doing carpenter work or something like this and have been laid off and they still have their boat and their equipment to do with, and to feed their families they would like to have their licenses to go back to work on the lobstering to keep going. I hope that you will support the Minority Report of "Ought to Pass" as an emergency.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: This was not an easy decision for many of us on the committee. I, too, am well aware of the individuals along the coast who may now want to go fishing because they have been laid off. In fact, I have a relative and a friend who is in exactly that kind of position and isn't able to get a license. However, I also represent a constituency along the coast in my area which is very heavily dependent upon fishing and I perhaps have more responsibility towards them as a whole than I do to individuals or to my friends. So, I would urge you to support Committee Report A.

I think that we need to remember at the same time that if we accept Committee Report B, which repeals the moratorium immediately rather than in December, we are not only allowing those people who are not able to find jobs elsewhere to come and fish but we also, because of recent court rulings and the inability to come up with alternatives, even though many of us have been working very hard on this, will also allow any of the summer residents who want to come in and establish residency, whether it be overnight, a day or whatever, will also allow them to fish. I will tell you that the lobster industry simply cannot afford that pressure.

The lobster industry and the fishing industry has always been the place to go when economic times get bad, and perhaps when our resources were more plentiful that was possible, but they are not now and I think many of our fishing industries are at a point of crisis where the increased pressure that would happen with both those who are on unemployment and the summer residents who may come from New York or Pennsylvania and California, who can completely, I believe in a summer or year, destroy the fishing industry. I urge you to accept Committee Report A.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote Committee Amendment A down and then proceed to support Committee Amendment B. This moratorium, as Mr. Jackson pointed out, was set up originally to set aside some time to study the problem. This time has gone by and nothing has been solved. The only thing we have now facing us is a time lag of three months, a time in which some

of our coastal fishermen can go fishing or some of our coastal fishermen can sit on the bank and wait until October. It is absolutely bologna. If we are going to say that these people are going to start fishing in October, they start fishing this summer, and so we should support Committee Amendment B to get our people back to work for those people are going to be rushing in from out of state so they can put in a few lobster traps coming in from California, coming in from Ohio. These people have better things to do than travel across here to get a couple of lobsters.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to very briefly and very quickly respond to some of the comments that have been made here concerning this bill. First of all, the gentleman from Stockton Springs, I think, is giving some misinformation and I am sure it has not been intentional, but he describes a person in my home town of Stonington who went lobster fishing and decided to go carpentering and could not get a license and hence has a boat and traps, this is not correct. The gentleman left lobster fishing in 1971, he sold his boat, he sold his traps and he went carpentering. He has worked as a carpenter for three or four years. This winter the carpentering jobs on the island were sort of scarce. He did try to get a license and was denied. It was not because he did not have enough adequate notice last May to get a lobster license. I put articles in the papers, there were radio reports, all kinds of information around the state trying to give people adequate notice that there was going to be a moratorium put on the lobster and crab fishing licenses until this court made a decision. I have some sympathy for the individual here, but he knew very well this moratorium was going on. He could have got a license and he chose not to, and he does not own a boat and he does not have a gang of traps.

The gentleman from Belfast indicated that if we did not enact this as an emergency measure that there wouldn't be any sense anyway, because all the fishing was done. Well, that is not quite correct, because the months of September, October, November are probably the best fishing months on the whole coast.

I guess the thing that the gentleman from Yarmouth, Mr. Jackson and the gentleman from Owls Head, Mrs. Post, have tried to indicate to you and what I would like to leave with you today is that every time there is high unemployment, the fisheries are always the recipient of people who want to get a license and want to go lobster fishing, want to go scallop fishing, want to go dragging. This is not sound management for the fisheries.

I will submit to you, ladies and gentlemen of the House, that there are a number of people in this House that have worked, very, very, hard, long hours talking to fishermen trying to work out a compromise, trying to work out a bill that was acceptable. I think you know the good gentleman from Yarmouth and I were sponsors of a major piece of legislation, and we could have brought that bill out on the floor of the House and it probably wouldn't have passed and we didn't because we knew that. We want to work in this problem. We are sincerely concerned about the pressures on the lobster resource. I ask you to seriously consider the lobster resource. I am not trying to

stand here supporting Report A to try and protect the lobster fishermen and trying to prevent someone from going fishing, but the fact of the matter is, ladies and gentlemen the lobster resource is grossly overfished today. I ask you please to support the pending motion before the House.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I believe I am probably the last member of the Marine Resources Committee that hasn't spoken. I do support the Minority Report, Report B, which would immediately cancel the moratorium. The moratorium was established to serve a specific purpose, specifically to determine proper residency. This appears to be a bit muddled, but that is the only decision that we are going to have at this point. Now, we are trying to use the moratorium to conserve the lobster industry, which is an entirely different purpose, and I don't think that it was passed for that purpose. Therefore, I think it should be removed and removed immediately. I believe that if there is just one individual case that is being hurt by this moratorium, that is sufficient cause for us to remove this moratorium immediately and not close the gate on these people and protect the lobster industry or restrict the lobster industry to those who are currently fishing.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: One specific question which I don't believe has been answered. If the moratorium is lifted, what will be the resident requirements?

The SPEAKER: The gentleman from Anson, Mr. Burns, poses a question through the Chair to anyone who cares to answer.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the question the gentleman from Anson, Mr. Burns, if I may. There are those in the Department of Marine Resources who feel and have urged the committee very strongly to put a six-month residency requirement onto this bill in order to qualify for a lobster and crab fishing license. We have hashed this over, we have read the decision of a three judge Federal District Court, and it is my opinion the court has said that the equal protection clause of the Constitution is violated by any residency requirement.

Friday, I sent a letter to the Attorney General, the Honorable Joseph E. Brennan, requesting whether or not we could put a six-month residency requirement on this bill. It is his opinion, and I would be happy to share the letter with anyone. I have distributed copies to members of the Marine Resources Committee, that the six-month residency requirement would run aground on the same constitutional basis.

What we have attempted to work in both drafts of this bill is that in order for a person to hold a lobster license, he must be domiciled and domiciled means that he must have basically a residency in the state with intention to stay and remain indefinitely. I think we would all like to provide more protection but I think this is the very best that we can do at the present time.

The SPEAKER: The Chair recognizes

the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: The only difference, I am sure most of you know, in Report A and Report B is three months on whether the moratorium will be repealed or not.

Earlier this session, we had a wage bill in here which was an emergency bill. I voted for the emergency bill on that wage bill. I am surprised that some of the people here who voted for an emergency wage bill would not vote an emergency bill to put people to work. So I hope that you will go along with Report B.

The SPEAKER: The pending question is on acceptance of the Majority "Ought to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

18 having voted in the affirmative and 63 in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "B" (H-662) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

An Act to Make Available Wood Fuel for Low-Income Citizens" (Emergency) (H. P. 1229) (L. D. 1754)

Tabled — June 9, by Mr. Palmer of Nobleboro.

Pending — Adoption of Committee Amendment "A" (H-523)

Mr. Wilfong of Stow offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-728) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to say a word or two on this since I originally asked some questions which caused all this commotion of several amendments. I say this only because I have been told today that I am making a partisan issue out of the woodchopper's bill and I want to say here now, as the minority leader in this House, there is not partisan issue on the woodchopper's bill, but Representative Palmer, when he rose the first time, had some grave questions about this bill and I will tell what they were.

I don't feel that it would make a great economic impact on our fuel costs in Maine to have families going from Portland or Saco or wherever up over the highways of Maine to western and northern Maine to public lots with their chain saws and their hatchets and be allowed to cut a couple of cords of wood. I still don't think it will make very much of an impact on the economic costs. I think it is a facade, I think it is a window dressing to a very great extent. My real concern was that we might, by having a lot of permits, really do something to the public lots that shouldn't be done. I think if any of you have ever used a chain saw in the woods and tried to fell a tree of any size know that there is a little bit of an art to it. I having had it done many times by some neophytes, have had to spend considerable amounts of money to

have good woodsmen go in and clean it up afterward. However, Dr. Barringer looked the bills over, looked the amendments over and made the suggestion that Representative Wilfong has given you today which says that in effect what it really means in this program will be discretionary with the Bureau of Public Lands, it will not be mandatory. I can buy that and I just make those remarks as we finish our remarks on this particular bill which already has consumed too much of our time.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto and sent up for concurrence.

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

Bill "An Act to Revise an Act Relating to Property Taxation which was enacted by the 106th Legislature" (H. P. 1664) (L. D. 1917)

Tabled — June 10, by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

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

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

Bill "An Act to Provide Lifeline Electrical Service for Older Citizens" (S. P. 8) (L. D. 20) (C. "A" S-255)

Tabled — June 10, by Mr. Rolde of York.

Pending — Passage to be Engrossed as amended.

Mrs. Goodwin of Bath offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-722) was read by the Clerk.

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

Mrs. GOODWIN: Mr. Speaker, Men and Women of the House: Yesterday, when we were discussing this bill, there seemed to be some concern about having eligibility for senior citizens whose incomes were sufficient to enable them to pay the regular utility rates, perhaps at the expense of other utility users who have very low incomes, such as the family man with perhaps only five or six thousand dollars a year income. So what I have done is prepare an amendment so that those people in the demonstration areas who would qualify would have to meet the eligibility guidelines set out under the Elderly Householders Tax and Rent Refund Act, which would be for a single person an income of not more than \$4,500 a year and for a couple of not more than \$5,000 a year. I would hope, perhaps, this would satisfy some of the objections to the bill and I urge its passage.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

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

Bill "An Act Relating to the Maintenance of Vital Records" (S. P. 322) (L. D. 1099) — In House, Indefinitely postponed, June 9. — In Senate, Enacted in non-concurrence.

Tabled — June 10, by Mrs. Nagarian of Portland.

Pending — Further Consideration. Mr. Curran of South Portland moved, that the House adhere.

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Boudreau, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. Mr. Goodwin of South Berwick requested a roll call vote.

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

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

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will recede and concur. As this bill has been amended, it applies now only to cities or towns with 25,000 population or over. This allows them to furnish the vital statistics to the state registrar on the 25th of the month instead of the 15th. The reason for this few days needed by the larger places is that the hospitals are slow in getting the material to the city clerks. I mentioned this to someone who is opposing my motion and they said, well, tell the hospital to hire extra help. I think our hospital bills are high enough now. The large cities are consistently late getting this material in, they are harassed by the registrar's office.

At the hearing on this bill, the registrar admitted that he does not start to work on these statistics after he receives them until the 25th of the month. He has a contract with the Federal Government that these do not have to be submitted until the 15th of the next month. Also, he was asked at the hearing if he could get a delay from the Federal Government and he wasn't interested. He said for the city clerks to hire extra help. Well, I think we have put enough burden back on the cities and towns in this session of the legislature. This small concession would certainly help both the hospitals and the cities.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I am really sorry that we have to debate this today. I do feel that this bill is not needed. We debated it well the other day. It won't do any good to solve any of the problems, all you are doing is extending a deadline and the same problems are going to come up. The towns are going to find enough work to do, they are going to be late and they are not going to have their work in on time and all you are going to be doing is — nothing is going to change, because there are no sanctions involved in this bill if they don't get it in by the 25th, there are no sanctions involved in the present law if they don't get it in by the 10th. It is just a deadline that the state is asking the towns to meet. I don't think we necessarily need to extend this. It is just going to create more problems.

It doesn't help the smaller towns with hospitals. The way this is, it only affects, I think, four cities in the state. The only city that has a problem that came to the hearing is one of the cities that has the most clerks in the office. So, I just feel this isn't needed. I have talked to the commissioner about it and he said he didn't really seem to care one way or the other, that if there was a problem and they didn't get them all in on time, that they could get the statistics in on the month.

I would hope that you would vote against the recede and concur motion and we could adhere to our former action and put this bill in its proper place.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: This, as Mr. Goodwin has said, will not affect the towns but it will affect the large urban areas. You are aware that in some communities, my community for instance, there are two large hospitals, several nursing homes, several funeral homes and all of these people bring in their individual statistics. These have to be compiled individually, proofread, etc. They have to be brought in by the 15th of the month. All this bill asks is an extension of ten extra days to the 25th.

You will also bear in mind that in some months of the year, every other year perhaps, we are involved in elections so that for four months out of that year many of the employees in the clerk's office are very busy compiling election statistics. I know the comment had been made that perhaps the city clerk should hire extra help but then what would he do with them for the remainder of the year. I think this is a very feasible solution, much more feasible than increasing the cost to the taxpayers by increasing the staff.

I sincerely hope you will vote to recede and concur.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentlewoman from Lewiston, Mrs. Berube, because I know that in our city we have two people working in the clerk's office, and it is my understanding that there is a staff of seven working in their clerk's office. I would like to know if that is true, because some of these little towns have much fewer than seven people.

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question, through the Chair to the gentlewoman from Lewiston, Mrs. Berube, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. BERUBE: Mr. Speaker and Members of the House: As of this morning, I understand it was five and I have no reason to distrust the city clerk.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I know that the staff in the city clerk's office in Waterville works every hard and very diligently, as I know they do in our office. Believe me, seriously, if you want to see the workload of the city clerk's office in Lewiston, just spend a few minutes in the office. I think that Lewiston, which is the second or third largest taxpayer in the state, is not asking too much. We haven't asked for a thing at this session. There were a couple of bills flying around here

and we gracefully allowed them to be killed without too much to do about them. I mean, I certainly would hope that you would go along with the wishes of the gentlewoman from Lewiston, Mrs. Berube on this. I think her arguments were very sound and I think the situation merits your consideration.

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

Roll Call

YEA — Albert, Bagley, Berube, Birt, Blodgett, Boudreau, Bowie, Byers, Call, Carroll, Chonko, Churchill, Conners, Connolly, Cooney, Cox, Curtis, Davies, DeVane, Doak, Drigotas, Durgin, Farnham, Fenlason, Finemore, Fraser, Garsoe, Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hewes, Hobbins, Hughes, Hutchings, Immonen, Ingengeri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kauffman, Kelley, Laffin, LaPointe, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lunt, Lynch, Mackel, MacLeod, Mahany, Maxwell, McBairty, Mills, Miskavage, Mitchell, Najarian, Norris, Palmer, Peakes, Peterson, P.; Peterson, T.; Post, Quinn, Raymond, Rolde, Rollins, Saunders, Silverman, Smith, Snow, Snow, Spencer, Sprowl, Tarr, Teague, Theriault, Tierney, Torrey, Wagner, Webber, Wilfong.

NAY — Bennett, Berry, G. W.; Berry, P. P.; Burns, Bustin, Carey, Carpenter, Clark, Curran, P.; Dam, Goodwin, H.; Gould, Higgins, Hunter, Kany, Kennedy, Laverty, Morton, Nadeau, Perkins, T.; Pierce, Powell, Rideout, Strout, Stubbs, Twitchell, Usher.

ABSENT — Ault, Bachrach, Carter, Cote, Curran, R.; Dow, Dudley, Dyer, Farley, Faucher, Flanagan, Gauthier, Gray, Hinds, Kelleher, Leonard, Lovell, MacEachern, Martin, A.; Martin, R.; McKernan, McMahan, Morin, Mulkern, Pearson, Pelosi, Perkins, S.; Shute, Susi, Talbot, Tozier, Truman, Tyndale, Walker, Winship.

Yes, 88; No, 27; Absent, 35.

The SPEAKER: Eighty-eight having voted in the affirmative and twenty-seven in the negative, with thirty-five being absent, the motion does prevail.

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

Mrs. BOUDREAU: Mr. Speaker, having voted on the prevailing side, I ask for reconsideration and ask you to vote against me.

The SPEAKER: The gentlewoman from Portland, Mrs. Boudreau, moves that the House reconsider its action whereby it voted to recede and concur. All in favor of that motion will say yes; those opposed will say no.

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

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

Joint Order — Relative to recalling (H. P. 1332) (L. D. 1644) from the Legislative Files to the Senate. (S. P. 558)

Tabled — June 10, by Mr. Rolde of York.

Pending — Passage.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This order was introduced in the other body and I have since discussed it with the author of the

order and he now no longer feels it is necessary, therefore, I move the indefinite postponement of this Joint Order.

Thereupon, the Joint Order was indefinitely postponed and sent up for concurrence.

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

Mr. CURRAN: Mr. Speaker, having voted on the prevailing side, I now move reconsideration whereby we indefinitely postponed Bill "An Act to Create a Presidential and Vice-Presidential Primary Election," House Paper 971, L. D. 1212, and hope you vote against me.

The SPEAKER: The gentleman from South Portland, Mr. Curran, now moves that we reconsider our action whereby this body voted to indefinitely postponed L. D. 1212.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I will take just a few moments to discuss this with you one last time. I don't think I have any illusions about the ultimate fate of the bill at this point, but I do have some hope that it may be reconsidered.

I haven't been lobbying this bill today. I did discuss it with many of you yesterday morning. I am sorry I didn't discuss it with a few more, but I guess today others have lobbied it have no illusions.

We are discussing an issue which is between just you and me, the politicians who have made it through an election, the politicians who support political parties and have a great interest in them and their future. I guess it is because I am a government teacher and a politician that I have had to ask myself and explain it many times just what a political party is. I have had to explain it to a lot of young people who didn't have much interest and who were really kind of negative and turned off about the subject, and the most simple definition I could ever come up with is that a political party is a vehicle, simply a vehicle for putting men and ideas into our government. It is a vehicle of the people and not a vehicle of party title holders and assorted party regulars. Such a party cannot be viable in today's world. It can't put men into office effectively and it can't put ideas into the government effectively.

Parties need the people to be effective. What is the picture in Maine today? Both parties offer some very minor assistance to legislative candidates, but I think you and I know that any candidate who hopes to be successful pretty much has to run his own campaign, pay for it, find the supporters and do the work. Neither party attracts any significant grassroots support at their caucuses or even county meetings. If that doesn't worry you, it does worry me, and I think it should worry all of us. In fact, things are so bad, as I see them, that neither party could even elect a governor in this state this last year.

Governor Longley, and I do have a good deal of respect for the gentleman, was elected by only 22 percent of Maine's eligible voters. Now, perhaps Maine is just an isolated situation. Perhaps this is an unfair analysis of our situation, perhaps this was all just a fluke.

What is the national picture? Well, in a recent survey, we find that respondents say 17 percent of American voters consider themselves Republican, 41 percent

consider themselves Democrats, the largest percentage, 42 percent, consider themselves Independent. In the last presidential election, more people did not vote than voted for the landslide winner of that election, Richard Nixon.

Fewer and fewer Americans consider themselves in a party, and I feel that the reason is that the parties have no meaning to them and why should they have meaning when party leaders here in Maine and across the country seek to keep manipulative politics in and all the time more and more open politics out. I know there will be opposition to that statement, that our parties are open and that anyone can participate. How many people came to your municipal caucus last time?

Surely every sincere party partisan knows that the party can't get votes without voters, and the voters aren't voting and those who aren't voting party. The new blood of youth are also turned off and no present leader seems to have found the solution for interesting them in the process. We have lowered the age and that increased the number of young voters, but they still aren't voting in any meaningful percentages that would show great interest in our political parties.

Some might observe the number of young people who have run and won as an argument. There are certainly many many here who are young members, and it does reflect some change in the political makeup. But most of these young people, as I see them, who are in politics today, were spurred to their interest in politics by events which are past, by crisis that are past and by charismatic figures that are gone. We don't have any John F. Kennedys, we don't have a Vietnam crisis, there is no Gene McCarthy, Paul McClusky of whatever you have that have interested the young people in past years to get into parties, to work for candidates, to work for issues. There is no charisma or no crisis that will serve our party interest now. The parties must face the fact, we are doing a less than satisfactory job of putting men and ideas into the government.

Now, there are those, and I think we know there are often party leaders who quietly fear the effect of candidates like George Wallace, and they seek to exclude them from the process. They seek to manipulate; they want the delegate selection process close to their power, close to the organization of the party. Certainly they can do this. I feel they have done it effectively in the last couple of days, but what is the alternative? Clearly a resurgence of the American Independent Party which will on the one extreme win and on the other extreme throw the election into the House of Representatives is not a very attractive alternative, and the alternatives that we do have to this sort of a scenario, and this may not be the exact scenario that could happen, but we are letting ourselves in for that sort of thing if we do not open our elective processes, there is really one alternative, and that is to open the process to honest grassroots participation wherever those people care to take our parties. We need them, they are the government.

This is a national need and we all are acutely aware it is a need of the present two parties in Maine. A presidential primary will service to excite, in my view, thousands who are unexcitable by our parties in Maine today. It will cause them to attend caucuses which would be at relatively the same time as the presidential primary. They will debate

their views and express their needs to the party. There will no longer be the silent cynicism, they will be excited by the many candidates who will come to our state and bring their issues to the people and the people their issues to the candidates.

It will, to be sure, be less managable for current party leaders, but it will serve to revitalize our political parties. The value of voter participation cannot be measured by a few thousand dollars, dollars that by the way will undoubtedly be returned to this state in tax revenues and will not be a loss to the general fund, even though they have been tossed around here rather loosely as a reason for defeating this bill. And I might cite also that it may be possible to pass the bill without funding until we find out if it is even possible to enter into a regional primary, so I would hope that the funding argument which has been thrown around would not influence you unduly today.

I have not lobbied you, I have prepared these remarks because it is a real concern of mine. Maine people should have every voice in Maine affairs and Maine should have its say in regional and national affairs. The issue I see that can go part way to solving this problem is before you, me, all of us, and I sincerely hope that you do reconsider.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Curran, that the House reconsider its action whereby L. D. 1212 was indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Greenlaw of Stonington requested a roll call vote.

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

Mr. GOODWIN: Mr. Speaker, I wish to pair my vote with Representative Hobbins. If he were here, he would be voting nay and I would be voting yea.

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, wishes to pair his vote with the gentleman from Saco, Mr. Hobbins. If Mr. Hobbins were here, he would be voting nay and the gentleman from South Berwick, Mr. Goodwin, would be voting yea.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Curran, that the House reconsider its action whereby L. D. 1212 was indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berube, Blodgett, Boudreau, Carey, Carpenter, Chonko, Connors, Connolly, Cooney, Curtis, Dam, Davies, Farnham, Goodwin, K.; Greenlaw, Henderson, Hughes, Ingegneri, Jacques, Jensen, Kany, Kennedy, LaPointe, Lewin, Lizotte, Mackel, McBreaarty, Mitchell, Najarian, Peakes, Perkins, T.; Peterson, T.; Pierce, Powell, Quinn, Smith, Snow, Snowe, Spencer, Stubbs, Wagner.

NAY — Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Bowie, Burns, Bustin, Byers, Call, Carroll, Churchill, Clark, Cox,

Curran, P.; DeVane, Doak, Durgin, Fenlason, Finemore, Fraser, Garsoe, Gould, Hall, Hennessey, Hewes, Higgins, Hunter, Hutchings, Jackson, Jalbert, Joyce, Kauffman, LeBlanc, Lewis, Littlefield, Lunt, Lynch, MacLeod, Mahany, Maxwell, Mills, Miskavage, Morton, Nadeau, Norris, Palmer, Peterson, P.; Post, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Sprowl, Strout, Tarr, Teague, Theriault, Torrey, Twitchell, Usher, Webber, Wilfong.

ABSENT — Albert, Ault, Bachrach, Carter, Cote, Curran, R.; Dow, Drigotas, Dudley, Dyer, Farley, Faucher, Flanagan, Gauthier, Gray, Hinds, Immonen, Kelleher, Kelley, Laffin, Laverty, Leonard, Lovell, MacEachern, Martin, A.; Martin, R.; McKernan, McMahon, Morin, Mulkern, Pearson, Pelosi, Perkins, S.; Rollins, Susi, Talbot, Tierney, Tozier, Truman, Tyndale, Walker, Winship.

PAIRED — Goodwin, H.; Hobbins.

Yes, 41; No, 65; Absent, 42; Paired, 2.

The SPEAKER: Forty-one having voted in the affirmative and sixty-five in the negative, with forty-two being absent and two paired, the motion does not prevail.

Sent up for concurrence.

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

Bill "An Act to Amend the Maine Housing Authorities Act by Creating a Loans-to-Lenders Program and Making Changes to Improve the Efficiency of Using Federal Housing Funds." (S. P. 286) (L. D. 1002) (C. "A" S-235) — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S. 235) as amended by Senate Amendment "A" (S-254) and Senate Amendment "B" (S-258) thereto.

Tabled — June 9, by Mr. Cooney of Sabattus.

Pending — Passage to be Engrossed as amended.

On motion of Mrs. Najarian of Portland, retabled pending passage to be engrossed as amended and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Lizotte of Biddeford, Adjourned until nine-thirty tomorrow morning.