

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**1978**

**Second Regular Session**

January 4, 1978 — April 6, 1978

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**Senate Confirmation Session**

June 14, 1978

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**First Special Session**

September 6, 1978 — September 15, 1978

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December 6, 1978

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APPENDIX

## HOUSE

Thursday, March 9, 1978

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

Prayer by the Reverend David L. Glusker of the Green Street Methodist Church, Augusta.

Reverend GLUSKER: Let us pray. Lord God, we pause before You focusing all of Your healing and redemptive power upon this body and upon all of those persons who are involved in the decision making process, particularly within this, our state. We pray that You will enable us in every way to make right decisions, to use all of our facilities to the best of our ability and that we will be conscious of the needs of the persons whom we serve as we administer justice. Lord, we pray Your blessing upon us, that our decisions may enrich all who are involved in the life of this state and that we, too, may be called Blessed. Amen.

The journal of yesterday was read and approved.

## Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on RESOLVE, Authorizing Certain Employees of the State of Maine to Request an Extension of Employment After Their Mandatory Retirement Age, Years of Service Requirement or Age and Years of Service Requirement (H. P. 2101) (L. D. 2140) asks leave to report: that they are unable to agree.

Signed:  
Messrs. KELLEHER of Bangor  
DAVIES of Orono  
SPROWL of Hope

— of the House.

Signed:  
Messrs. HICHENS of York  
LEVINE of Kennebec

— of the Senate.

Report was read.

On motion of Mr. Kelleher of Bangor, the Report was rejected.

On further motion of the same gentleman the House voted to further insist and request a second Committee of Conference.

## Orders

An Expression of Legislative Sentiment (H. P. 2201) recognizing that: the Telstar Regional High School Cheerleaders have won the State Division II Cheering Championships for 1978

Presented by Miss Brown of Bethel.

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

An Expression of Legislative Sentiment (H. P. 2202) recognizing that: the Rebels of Telstar Regional High School have won the New England Interscholastic Ski Championship for 1978

Presented by Miss Brown of Bethel.

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

An Expression of Legislative Sentiment (H. P. 2203) recognizing that: Ina T. H. Stinneford, a long time resident of Winslow and the oldest living graduate of Colby College, is celebrating the 100th anniversary of her birth on March 22, 1978

Presented by Mrs. Kany of Waterville (Cosponsors: Mr. Carey of Waterville, Mr. Boudreau of Waterville, Mr. Carter of Winslow)

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

An Expression of Legislative Sentiment (H. P. 2208) recognizing that: Mrs. Annie B. McGown, distinguished citizen of Ellsworth, recipient of the Boston Post Cane Award and elder family member of five living generations, will, on March 15, 1978, celebrate with family and friends of the community the 100th anniversary of her birth

Presented by Mr. Silsby of Ellsworth.

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

An Expression of Legislative Sentiment (H. P. 2209) recognizing that: Lou Gene Carroll of Hancock, celebrated the 100th anniversary of a joyful life filled with love and appreciation on Tuesday, February 21, 1978

Presented by Mr. Silsby of Ellsworth.

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

An Expression of Legislative Sentiment (H. P. 2210) recognizing that: Coach Ordie Alley of the Jonesport-Beals Royals has lead his boys to their eighth Eastern Maine Class D Basketball Championship

Presented by Mr. Nelson of Roque Bluffs.

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

An Expression of Legislative Sentiment (H. P. 2211) recognizing that: the Dixfield High School Cougarettes are the Girls' Basketball Class C Maine Champions for 1978

Presented by Mr. Rollins of Dixfield (Cosponsor: Senator O'Leary of Oxford)

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

An Expression of Legislative Sentiment (H. P. 2214) recognizing that: Edwin H. Pert, Clerk of the Maine House of Representatives, has been elected vice-president of the American Society of Legislative Clerks and Secretaries

Presented by Mrs. Tarr of Bridgton (Cosponsor: Mrs. Najarian of Portland)

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

A Joint Resolution (H. P. 2207) in memory of Walter F. Trundy who served 68 years as a town clerk, registrar of voters and historian of Stockton Springs

Presented by Mr. Shute of Stockton Springs (Cosponsor: Senator Greeley of Waldo)

The Resolution was read and adopted and sent up for concurrence.

A Joint Resolution (H. P. 2213) in memory of The Honorable Leslie E. Boothby, Sr., of Livermore, a prominent farmer and public servant

Presented by Mr. Lynch of Livermore Falls.

The Resolution was read and adopted and sent up for concurrence.

## House Reports of Committees

## Ought to Pass

## Passed to Be Engrossed

Mr. Henderson from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1978 (Emergency) (H. P. 2204) (L. D. 2180) reporting "Ought to Pass" — pursuant to Joint Order H. P. 1986

Mr. Henderson from the Committee on Local and County Government on RESOLVE, FOR Laying of County Taxes and Authorizing Expenditures of Franklin County for the Year 1978 (Emergency) (H. P. 2205) (L. D. 2181) reporting "Ought to Pass" — pursuant to Joint Order H. P. 1986

Mr. Henderson from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1978 (Emergency) (H. P. 2206) (L. D. 2182) reporting "Ought to Pass" — pursuant to Joint Order H. P. 1986

Reports were read and accepted and the Resolves read once.

Under suspension of the rules, the Resolves were read the second time, passed to be engrossed and sent up for concurrence.

## Divided Report

## Indefinitely Postponed

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1133) on Bill "An Act to Transfer the Division of Motor Vehicles to the Department of Transportation" (H. P. 2079) (L. D. 2133)

Report was signed by the following members:

Mrs. SNOWE of Androscoggin  
Mr. COLLINS of Aroostook

— of the Senate

Mr. CHURCHILL of Orland  
Mrs. KANY of Waterville  
Mrs. MASTERTON of Cape Elizabeth  
Messrs. SILSBY of Ellsworth  
CURRAN of South Portland  
VALENTINE of York

Mrs. LOCKE of Sebec  
Ms. BACHRACH of Brunswick  
Mr. STUBBS of Hallowell

— of the House

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

Report was signed by the following member:  
Mr. DIAMOND of Windham

— of the House

Reports were read.

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

Mr. CURRAN: Mr. Speaker, I move that the Majority "Ought to Pass" Report be accepted.

The SPEAKER: The gentleman from South Portland, Mr. Curran, moves that the Majority "Ought to Pass" Report be accepted.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am not against progress but I am against change just for the sake of change. I have made a pretty close observation of this change, and as far as I can see, it is just a change for the sake of change, to say you have done something, changed something. It is like a woman keeping house and moving a chair from one side of the room to the other.

The people running the Transportation Department have got more than they can run right now. In my opinion, they are not doing a very good job running that and I don't want them to try to run some more. For this reason, and this reason would be substantial enough for me to vote against this bill, but I hope if you take a close look at what the Transportation Department is doing in your area and the state in general, you will see that they have got all that they can contend with now without giving them more.

I am quite conservative in some areas, and if this would save us \$2.50, I would be interested in doing it, but by making a close observation of this, I don't find where it will save us \$2.50; it may even cost us more. It is just a change for the sake of a change and I am opposed to it and I hope this House, and I recommend that we accept the minority report eventually.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would differ with the good gentleman, that it isn't a change for the sake of change and the potential is greater than a dollar and a half. There is the possibility of perhaps a seventy-five to a hundred thousand dollar savings by making this particular move.

I would remind you that the operation of Motor Vehicle is already physically located in the DOT building. I would also remind you that in the proposal, the entire staff and employees are shifted over to that department. It is not the people who are working in DOT who are going to have to absorb the work of Motor Vehicle. We are not depleting the number of employees involved in that function. The head of the Motor Vehicle Division would assume the position of a deputy in DOT to directly supervise that operation, and I think one of the other unique features of this particular proposal is

that there is a possibility of expansion of services to Maine people with a reduction in costs, and that is by using your regional offices of DOT and your Motor Vehicle Division to give out some of the various kinds of permits that are currently being done by one or the other but not both.

I think there is the potential here for greater service to Maine citizens at less of a cost. Physically they are there now, and to the members of the committee who signed the majority report, it makes sense.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: This is the first time in two years and almost 200 committee reports that I was the only one signing out against 12 members of my committee, but I sincerely believe that this bill has a lot of problems with it, and I just want to take a second to explain to you why I signed it out and why I hope you will confirm the minority report.

It is really not a good bill. It has a lot of problems with it. I think the committee has overlooked some vital points. The hundred thousand dollar savings that you heard is, indeed, just that questionable. Also at the committee hearing, we heard points about saving positions in the state. That may be true; maybe one or two or possibly three positions we are talking about, but it really does not seem to be substantial. Those are minor points. There are some major points that I am concerned about.

Right now we have in DOT over 2,400 employees — right now. This is before the turnpike and Motor Vehicle Division if this bill passes. What we are having here is a homogeneous agency, and I think Roger Mallar, contrary to some reports you have heard from my right-hand corner, I think he is a fantastic administrator and probably one of the best administrators this state has seen in a long time. But there are two things wrong with Commissioner Mallar; number one, he is mortal, he is mortal politically and he is mortal physically, like you and I are, and he is not always going to be around. I would question if anybody else could even come close to handling an agency of this size, which we are apt to create if we pass this bill. I think the possibility, then, of creating and substantiating a concern we have back home of our people saying agencies are just too large would be substantiated. We, indeed, would be building a huge agency, and if we are having trouble now getting through the agencies we have, adding on and building on and creating another one, to me is the wrong direction.

I know there are political reasons floating around for this and I don't want to get into that because that is not part of my functioning on this bill, I am not into that, I realize what is going on. My sincere concern, I have just stated, and I hope you vote against the majority report and I would ask for the yeas and nays.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I commend the young gentleman from Windham, Mr. Diamond, for the position he has taken on this bill.

Personally, I have some real objections to combining a service agency with a collection agency. The Department of Transportation primarily is a service agency in looking after the highways of the State of Maine, also being involved in collecting their own funds for their operation. I think it is philosophically a bad idea to get into. I think the present system has worked very well. I think the fact that it has a close relationship to the legislature and the method of appointment of the Secretary of the State, gives us a little bit of contact with them, and I think probably it could be lost if we were to move it over to another department.

This philosophy has been kicking around for quite some time. I think if there is a desire to

change the Motor Vehicle Division from where it presently is, then it should be put into the Taxation Department, that is where it belongs, because the Taxation Department is primarily the agency involved in collecting revenue. I think to combine the two of them is a complete mistake, and I would move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Windham, Mr. Diamond has requested a roll call vote. 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 Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't planned to get up and speak on this particular item. I had my own feelings on it, but I received a call today from a good friend of mine and a very good constituent in my district and he asked that I do say something. I feel an obligation to him that I should.

The Secretary of State's Office is primarily a two-function office — a licensing agency and a revenue collection agency, and we are talking approximately \$20 million annually in revenue collections. I just wonder, if we were to take this type of an agency and put it in the large bureaucratic agency now, in the Department of Transportation, would it be as efficient a collection agency as it is now? Presently, because of the uniqueness of it and the fact that it is small, it is a very effective organization.

I looked at the increase of services that we had down there, just in the past two years that I have been cognizant of what goes on in the Secretary of State's office. I looked at the increased services to my citizens of my district; right now, I can call the Secretary of State's Office with a problem on registration or licensing and within two or three days, I would have an answer or the problem resolved, and I think because this agency is so small, I am able to do this.

I look at the local registration efforts that we now have that we didn't have before and it is working. I think it is working because we are a small type of an office situation where everybody knows everybody and the work is compatible.

I think last but not least, there are political reasons, and if I am on the Committee of Transportation or any other committee and the department which I am trying to help or represent is issuing my licenses, I may not feel too comfortable. That is why I think and a few of the citizens in my district also think that this is a mistake to put this type of an effort into the Department of Transportation. They say, saving money. I will guarantee you one thing, you take any two agencies in state government right now and combine them, you can save the same amount of money or more, not just these two, so to me that is not as much a consideration as to the service of my citizens in my district.

I would hope that you would postpone this bill.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I won't say much more about it, but I just wanted to add that if people feel that it won't be the same personnel they are dealing with, that is not true. They will keep exactly the same personnel and the same direction from the man who is presently at the head of the Motor Vehicle Division as they had before. The only thing is that the Motor Vehicle Division won't have to run all of

their decisions and requirements through the Secretary of State. It seemed to us to be a neater and more efficient way of operating.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind the members of the House that this proposal came out of a task force of two years ago, and in the first regular session of the legislature, we asked for a joint feasibility study on the transfer of the Motor Vehicle Division to the Department of Transportation and you have all received a copy of that study this year.

You have heard about the savings likely to take place, anywhere from \$75,000 to \$100,000 a year and a second basis for this transfer — I would like to read from this report: "Possible expansion of some services to the public. The Motor Vehicle Division currently operates 11 branch offices and the Department of Transportation operates 7 division offices; three of the 7 DOT division offices are located in communities where there is also a Motor Vehicle Division Office. These are at Ellsworth, Bangor and Rockland. The DOT office in Dixfield is six miles from the MVD Office in Mexico. Therefore, in four locations, a potential exists for the sharing of a joint facility. Also, the DOT Office in Fairfield could be modified to serve as an MVD branch office. This would require additional personnel to staff the public counters. The physical plant and location of a motor vehicle branch office is based upon availability to the public for parking, administration of driver examinations and designed with large lobby areas and window counters for public service. It would be possible, in the future, to remodel or add to DOT offices in a joint facility to provide space for a motor vehicle branch office. This combination would not necessarily result in fewer employees but would allow dollars to be saved in a rental maintenance and operation of facilities over a long period of time. This combination could not be accomplished immediately, due to long-term lease arrangements for the Motor Vehicle Offices and the finances needed for remodeling and integration into the Motor Vehicle Division computer system for the DOT offices." So, we are talking about long-term savings, integrating these services.

Point number three was internal duplication between the two divisions. Areas of duplication exists between any two state agencies. These areas of duplication fall primarily within the internal support services, such as stock rooms, budget and financial management, employee relations, payroll paperwork and copy reproduction functions. The proximity of these two particular agencies, both already in the Transportation building lends itself to the combination of some of the support services with the result in savings of space and personnel.

These are two perfectly good reasons why we should vote against indefinite postponement and go along with this bill.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I also reviewed the report. I thought the comments that were made in there to encourage or support this consolidation were of only minimal value. In the first place, there is absolutely no reason why these services couldn't be rendered in the same buildings and the operation of the Motor Vehicle Department be still left under the Secretary of State's Office. I think the recommendations that were made to endorse this program are of such minimal value they are insignificant.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will

vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Austin, Bagley, Beaulieu, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brenerman, Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, F.; Chonko, Connors, Cote, Cunningham, Davies, Dexter, Diamond, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowle, Garsoe, Gillis, Gould, Gray, Green, Hall, Hickey, Hunter, Immonen, Jackson, Jalbert, Jensen, Joyce, Kane, Kelleher, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Lougee, MacEachern, Mahany, Marshall, Martin, A.; Maxwell, McHenry, McKeen, Mitchell, Nelson, N.; Norris, Palmer, Pearson, Peltier, Peterson, Plourde, Post, Quinn, Raymond, Rideout, Rollins, Smith, Spencer, Sprowl, Stover, Strout, Talbot, Tarbell, Teague, Tierney, Tozier, Trafton, Twitchell, Valentine, Violette, Wilfong, Wood, Wyman.

NAY — Aloupis, Bachrach, Benoit, Boudreau, A.; Carter, D.; Churchill, Clark, Connolly, Cox, Curran, Devoe, Dow, Gill, Goodwin, H.; Greenlaw, Henderson, Higgins, Hobbins, Howe, Huber, Hutchings, Kany, Locke, Iunt, Lynch, Mackel, Masterman, Masterton, McBreairty, McMahon, McPherson, Morton, Nadeau, Najarian, Nelson, M.; Paul, Perkins, Prescott, Sewall, Shute, Silsby, Stubbs, Tarr, Torrey, Truman, Whittemore, The Speaker.

ABSENT — Goodwin, K.; Hughes, Kerry, Mills, Moody, Peakes, Theriault, Tyndale.

Yes, 96; No, 47; Absent, 8.

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

By unanimous consent, ordered sent forthwith to the Senate.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act Providing the Governor with the Procedure for Reorganizing a Department or Agency of State Government" (H. P. 2137) (L. D. 2164)

Report was signed by the following members:

Mr. CHURCHILL of Orland,  
Mrs. MASTERTON of Cape Elizabeth  
Messrs. DIAMOND of Windham  
SILSBY of Ellsworth  
CURRAN of South Portland  
VALENTINE of York  
Mrs. LOCKE of Sebec  
Mrs. KANY of Waterville  
Ms. BACHRACH of Brunswick  
Mr. STUBBS of Hallowell

— of the House.

Minority Report was signed by the following members:

Mr. COLLINS of Aroostook  
Mrs. SNOWE of Androscoggin

— of the Senate.

Reports were read.

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

Mr. CURRAN: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

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

Mr. QUINN: Mr. Speaker, Members of the House: Speaking as the sponsor of the bill and the Representative from District 30, I should object to the motion of Representative Curran and I should urge you to accept the minority report.

This basic effort that this bill tried to do has been under way for two legislatures now; it is in its fourth year. The procedure itself has been adopted by 22 states and adopted by the Congress of the United States. In general principle, it is good. There is a fact about the bill itself, however, to which some people object, and you

must understand where the actual power comes from.

The original proposal says that the Governor shall have the authority to reorganize the administrative branch of the government and that this reorganization shall take effect unless the legislature objects. This gives the Governor a great deal of power.

The Governor came to me and asked me if I would sponsor the bill in this session early in the year, at the end of last year, in fact, and I indicated I would but I reserved the privilege of reading it and making sure I approved of all its aspects. The bill didn't get in printed form to me until the middle of February and, at that time, when it did, I read the bill and I objected to that last provision, the one that says the legislature must disapprove. I felt that that represented a sizable constitutional shift to power between the branches. I don't feel that the Governor should have authority to reorganize state government and force the legislature to vote against him, because the practical mechanics of that are, if a Governor can control 16 Senators, he can do anything he wants to reorganize with the government of Maine. I do not agree with that, so I said I would sign the bill and sponsor it and try to get it passed if we changed those words to read, "The legislature must approve any reorganization plan the Governor has," thus putting the onus or the burden of accomplishing any changes directly where it belongs, right here in the legislature, where we retain complete power to make any changes that the Governor may propose. In other words, the Governor, under this bill, will propose; the legislature will dispose.

Some people then objected to the bill. They said, in fact, it is cosmetic. The Governor can propose now and the legislature can dispose now and what is changed and why do we want to waste time filling up the law books with unnecessary legislation? My answer to that is, in part, is placatory.

I do respect the Committee on State Government a great deal and it is with some hesitation, in fact, that I rise against this committee report so overwhelmingly against me, but I would rather deferentially point out that the bill does do two or three things that makes it justifiable and worthwhile. (1) It standardizes the method by which any future Governor may go about making changes, and I think this is desirable. (2) It provides that in the future and this, I would suggest, is a very real reform and one in which we are interested, it provides that any future changes proposed by a Governor must have citizen participation. If a Governor is going to propose a reorganizational plan to the legislature, then citizens must participate in the development of this plan. It also prescribes the formal method by which such plans will be done, thus standardizing the procedures. It designs the plan format for changes and it provides for specific limitations of the changes and it establishes such things as dates and procedures.

It also does one other thing, which is somewhat not as immediate and not as obvious, but it does state clearly to the people of Maine and to the administration of Maine and to any future Governors of Maine the fact that this legislature is concerned with reform, it is concerned with economy, it is concerned with efficiency and it does encourage future Governors to study the administration of Maine with a view toward effecting exactly these things.

If we are to say no to this bill, simply because we feel it doesn't do enough, we encourage those critics of the legislature who say, "The legislature is not, in fact, concerned with efficiency, they are not, in fact, concerned with supporting a Governor who is trying to do the job better for less money."

While I do agree, in conclusion, that the bill is not earth shaking, I do remind you that it maintains the present constitutional balance of powers. It does keep the final decisions within

the legislature. It does absolutely no harm and it may do a great deal of good and, finally, it prescribes a standard format and procedures by which this thing will be done in the future.

Therefore, I would urge you to vote against the motion to accept the Majority Report and then let us accept the Minority Report.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I feel I should offer you the committee's various reasons for opposing this particular piece of legislation. I guess the first and one of the utmost reasons is that we found it was unnecessary. We found that it raised a great many false hopes, that a great deal of it could be done now by executive order in terms of public input into reorganization. We found that if it were strictly enforced, it would, in fact, limit the ability of the Governor to offer reorganizational plans to this legislature.

In the proposal last year and in a letter received by the committee this week, even the bill in its present form is looked at in a very lukewarm position by the Governor. The original proposal would have put reorganization in the control of 16 members of the other body and the Governor, and the gentlemen from Gorham has taken that provision out, as he said, and changed it around a bit.

One of the things that makes it really difficult and one of the things we are always accused of in the legislature is that we seem to do things in the last few hectic days of the session. According to the bill, and let's take this session as an example, the Governor would submit his reorganization. We would have 60 days to act on it, while there are only 50 in session. However, a committee dealing with the reorganization would have to hold the bill in committee for 45 days, because during those 45 days, the Governor can come back and amend his reorganization. Even in a session where you have a hundred days, if the bill does not appear until March 1 and you go the 45 days for amending, that leaves very little time for constructive discussion on the item and we again find ourselves in the last gasping breath of a legislature trying to do reorganization.

If you think back over last session and this session, reorganization of state government is taking place and it will continue to take place. We view this particular piece of legislation as being unnecessary at this time, putting time constraints on this legislative body that are unnecessary and may, in the end, produce some reorganization where we will have many regrets.

For those reasons and for others that are minor and perhaps I don't need to get into, we would urge you accept the Majority "Ought Not to Pass" Report.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you go along with Representative Curran and the "Ought Not to Pass" of the majority of the members of the State Government Committee.

The truth about this bill is that it is just a bunch of verbiage. There is no substance and the only positive thing I would have said about it would be that it really has helped the Maine paper industry by using all this paper, seven pages of almost nothing, except that the taxpayers are paying for this paper. So I don't think it even helps the Maine economy that much.

I would just like to point out one thing, for instance, that this legislation talks about. This legislation exempts the constitutional authority of the Governor, the Attorney General, Secretary of State and the Treasurer of State. Of course, it has to, that is about as much substance as you will find in this particular bill.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Curran, that the Majority "Ought Not

to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 22 having voted in the negative, the motion did prevail.

Sent up for concurrence.

#### Order Out of Order

An Expression of Legislative Sentiment (H. P. 2212) recognizing that: Greeley High School has achieved outstanding excellence in the fields of scholarship and sports by capturing the Boys All Class State Swimming Championship and finishing as runner-up in the New England Meet by having a freshman Cross Country runner, Brian Pettingill who ran #1 in Maine and competed in the National competition and by having two students, Rose Hickey and Steve Andreason, who finished as finalist and semi-finalist in the National Merit Scholarship Program

Presented by Mr. Garsoe of Cumberland  
The Order was received out of order by unanimous consent and read.

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

Mr. GARSOE: Mr. Speaker and Members of the House: Thank you for reading that in its entirety. This is a significant expression of legislative sentiment. I merely wish to comment on the fact that Greeley High School, serving Cumberland and North Yarmouth in the garden spot of Cumberland County, is a small school; yet, you have heard here today that they have captured the state swimming championship for all classes. We have a young man attending Greeley, Brian Pettingill, who has captured the first State AAU, Triple AAU title, the New England Regional AAU, running first, and placed fourth in the Nationals in Washington State. Also significant, I think, is the fact that this excellence isn't limited to athletics but is expressed in the scholastic achievements that are being achieved in that school. It is a great pleasure for me to have them here today and, Mr. Speaker, they are in the gallery.

The SPEAKER: The Chair is pleased to recognize the students from the Greeley High School in the gallery, the State Champion Swim Team, the State Champion Cross Country winner, Brian Pettingill, the National Merit Scholarship winners, and they are accompanied by Preston Gillano, the Swim Coach and teacher. Would they please stand and accept the greetings of the House. (Applause)

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: These are truly gifted and talented children.

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

Mr. PALMER: Mr. Speaker and Members of the House: I would like to add that it is a pleasure for me to see the gentleman from Cumberland finally get something through this House.

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

By unanimous consent, ordered sent forthwith to the Senate.

#### (Off Record Remarks)

#### Consent Calendar

##### First Day

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

(H. P. 2064) (L. D. 2122) Bill "An Act to Clarify the Status of Intermittent State Employees" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1131)

No objection being noted, the above item was ordered to appear on the Second Day Consent Calendar later in the day.

(H. P. 2055) (L. D. 2119) Bill "An Act to Revise Maine's Aeronautics Laws" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1132)

On the objection of Mr. Pearson of Old Town, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-1132) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: To all of the people in the House who have been very interested in this particular bill and one aspect of it that I have been particularly interested in, and that is the use of float planes on the waters of Maine, I would like to relate to you, for the 16 or 17 or 18 different people in here who gave me help on this, what the status of it is.

The aeronautics bill is coming out with a committee amendment that has nothing to do with float planes in the remote ponds of the state. I had proposed to the committee that they adopt a committee amendment that would take away the power of the Land Use Regulation Commission in regulating float planes landing on small ponds in Maine.

I could really write a book about what has happened along the road, but the short of it is that I have thought better of it and I would like to read into the record a letter from the Commissioner of Conservation, Mr. Barringer.

"Senator Greeley, Representative Carroll and Members of the Committee on Transportation: Re L. D. 2119, An Act to Revise Maine's Aeronautics Laws. Dear Senator Greeley, Representative Carroll and Committee Members: I understand that during your deliberations on L. D. 2219, some consideration has been given to an amendment which would prohibit the Land Use Regulation Commission from regulating sea plane use of certain water bodies. I believe this to be an unnecessary and undesirable amendment, and I urge that it not be accepted for several reasons:

"First, the staff of the Land Use Regulation Commission will be recommending that the commission not adopt regulations which will prohibit sea planes from use of any broad category of waters, such as remote ponds. It is such proposed regulation which created the recent interest and controversy relative to these water areas.

"Secondly, any regulations which may be adopted by the commission will be only those which would allow the commission to consider lakes and ponds on a case-by-case basis and then only regulate use of those areas when damage to the resource can be demonstrated. This approach appears in conformity with provisions of Chapter 6 of the Aeronautics Laws which calls for consideration of regulations of the Department of Environmental Protection, municipalities and others.

"Next, the construction of the amendment in conflict with established constitutional authorities relative to the separation of powers. Parenthetically, I would like to say that that was the first amendment I proposed; the second ones were not defective constitutionally.

"Further, any public input into the establishment of regulations is eliminated and the provisions of the Administrative Procedures Act are negated. I urge you to recognize and avoid these additional problems.

"Finally, I understand from Mr. Alton Cianchette that the intent of the landing area and airport registration provisions is to protect public health and safety. He spoke about these matters at a public hearing held by the commission on February 22, and he supports our most recent proposal to consider use of ponds on a case-by-case basis. Again, I believe this approach to be in concert with existing provisions of the Aeronautics Laws. It allows continued consideration for the quality and large use

of our resources.

I would be pleased to provide you with other information should you wish. Sincerely, Richard Barringer, Commissioner, Department of Conservation."

Mr. Speaker, Ladies and Gentlemen of the House, I take this as an indication from Commissioner Barringer that the staff of Land Use Regulation Commission will be recommending to the commission that they not adopt any regulations that would prohibit sea planes from landing on the waters of the state. I take this as a matter of intent on his part, and hopefully it will be carried through.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I was at a service club meeting last night in Brewer, and there was quite a bit of concern over this bill. I have to admit that I haven't followed it. Perhaps some member of the Transportation Committee could answer my question on this bill. Were there people heard that came in and testified to extend the depth of this bill and does this amendment cover the objections that they had to the original legislation?

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

Mr. JENSEN: Mr. Speaker, in response to the gentleman's question, the Committee on Transportation dealt with this bill first a little over a year ago. We probably had something in the neighborhood of three or four public hearings and we had working sessions, I am going to guess five or six working sessions. At every single working session, there were members of the public invited, who did attend, people from pilot schools and variety of others. We did manage to correct most of the problems that were brought up with the Civil Aeronautics Patrol and several other groups. We did not manage to solve all the problems of everybody. For example, on the mil rate on airplanes, some wanted to drop down to as low as 6 mils. The original bill called for it to be left at 13 mils. The committee finally decided that the best way of doing it was to increase enforcement and set the upper mil rate at 9 mils, drop it down 7, 5, 4 and finally 3 mils after a period of five years, with a \$10 minimum fee.

I think with the bill, the committee has put a great deal of time and effort into it. I think we have solved most of the problems and while everybody is not enthusiastic and wildly happy about the bill, I think most groups are going to find that they will accept it and find it much better than current law.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman from Brewer, what concerns he had at the meeting he was at last night, his concerns are not taken care of in this bill — they are not taken care of.

Hopefully, what we had planned to do in the future is to study this a little further and take care of those problems that were addressed in one of our work sessions from those people in the Brewer area. This is our intention.

I realize that we haven't done anything concerning the private airports here, but we do, hopefully, want to answer this in the future.

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading later in the day.

#### Passed to Be Engrossed

Bill "An Act Concerning the Number of Persons Required to be Covered by an Existing Group Health Insurance Policy for its Renewal or Replacement" (S. P. 689) (L. D. 2123)

#### (Later Reconsidered)

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

**Amended Bill**

Bill "An Act to Facilitate Central Licensing and Concerning Membership on the Maine Athletic Commission" (Emergency) (H. P. 1908) (L. D. 1969) (C. "A" H-1128)

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

**Constitutional Amendment  
Failed of Final Passage**

RESOLUTION, Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office (H. P. 1886) (L. D. 1943) (H. "B" H-1123)

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

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

Mrs. NAJARIAN: Mr. Speaker, Men and Women of the House: I urge you not to vote for final enactment of this constitutional amendment. I think that it has very serious implications on the separation of powers between the Judicial Branch and the Legislature. I believe the amendment we put on the other day might have helped somewhat. The amendment said that the court would rule on causes of removal if it were not covered by statute, and it is only the majority of this legislature that has to decide what the causes of removal are going to be. If we haven't thought of something, then the courts can do that by a rule.

Most constitutional amendments that are brought before this House are around session after session. We give them lots of thought and generally they don't pass in the first term, but they are around again and again. This is the first time this constitutional amendment has come up. We amended it in the final enactment stage last week, which means that there are still problems with it.

The Commission, the citizens that recommended this recommended two things. They advised the legislature on problems of the judges, and that we have passed, I think it is enacted into law, and they have got half of what they recommended, and that is more than most study commissions get the first time around. They have the ability, if they see problems in the court, to bring that before the legislature, and I think that is good, because, obviously, if there are problems with the judiciary, we have never heard of them up until now, and perhaps the advisory committee will be able to bring problems to our attention.

I hope that you will not vote for final passage today.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak on behalf of the proposed constitutional amendment. What it does, it authorizes the removal of a judge in Maine by the Supreme Court. It provides that the terms and the mechanism for removal may be established by court rule unless the legislature decides to establish procedures by statute.

The court has already told us how they plan to exercise this authority under a proposed court rule. They will establish a committee composed of two judges, two lawyers and three laymen. The committee will receive complaints from the public, review them in private and then recommend action to the Maine Supreme Court. I believe that this mechanism will meet the needs for judicial discipline but, if not, under the terms of the proposed constitutional amendment, with the change that was recommended or proposed by Don Carter, the legislature may intervene by statute and establish a different mechanism.

There have been three arguments presented against this amendment, and I believe that

none of them, in the final analysis, has merit. The first is that the legislature is giving up its power. With the Carter amendment, that is not the case. In the final analysis, it is up to the legislature to establish the terms and conditions for removal.

The second argument is that the court would abuse its authority if it had the authority to remove judges. And I would point out that in over 25 jurisdictions around the country, the courts have this authority and there is no example that I have been able to find anywhere in the literature where this authority has ever been abused.

The third argument is that the legislature, if it has the power to establish the terms and conditions for removal, will abuse that authority. I would point out that across the country, legislatures have this authority and there is no example where that has been abused.

There are only three states that provide that the authority to remove will be limited to court rule, there are only two other states that do that, and in most of the states across the country, it is up to the legislature to prescribe the terms and conditions of removal.

I think the arguments against this amendment do not have merit. I think that the passage of this amendment will establish a practicable and workable system for judicial discipline, and I think that it will increase public confidence in the judiciary to know that there is a workable mechanism.

I think we should learn a lesson from Massachusetts, which has recently had a very difficult problem with a justice on their Superior Court who has allegedly received a free car from an insurance company while he was on the bench and at the same time was hearing cases that related to that. Massachusetts has been going through a tremendous turmoil as a result of that, and I think we ought to establish a mechanism that would deal with that situation.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: I would like to offer a third argument, and that is in the case of allowing appointed officials to remove an elected official. This would be in the instance of a judge of probate. To me, this would seem to be a somewhat radical departure from what we normally observe as the separation of powers.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In debate the other day, some of the honorable members who were supporting this constitutional suggestion were stating the possibility of disability, whether it is physical or mental disabilities by the judges.

I would submit that the constitution as I view it, is a very sacred document. I would also submit as far as I have been able to research there has been no necessity in terms of implementing this kind of a change in our constitution.

I would also like to submit there is a separation of powers via the Legislature, the Executive Department and the Judiciary. I further submit, there is no need of putting the power of removal in the hands of seven justices of this state.

Mr. Spencer, I think, created or expressed a word here this morning that we should all listen to and that is discipline. I understand the process that is being proposed here today, Mr. Spencer, and I also understand the possibility if it should ever arise of stifling descent among the justices themselves. Just the inferences of the fact there may not be a coercive, happy situation in the court, that, in fact, the possibility could arise because we are all human beings and mistakes could be made in appointment that, in fact, by even intimating the suggestion to a member of the court that we may go back to a process of impeachment or removal.

If we have to do it, let's create it by statute. My suggestion this morning is, ladies and gentlemen, reject this proposal and then let the good gentleman from Cumberland or from Standish, in his committee next year, come back with a similar proposal that we had dealing with the Governor's Office on disability. Let's not tamper with the Constitution, at least not at this level.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I think the good gentleman from Bangor hits the nail right on the head. Now, he says let's do it by statute. Now, I have all kinds of documents here and the present statute that is on the books dealing with removal of justices because of disability, if it was ever challenged in the court is unconstitutional, because we do not have that power, but if we adopt the proposed resolution, we will have that power.

We happen to be in a very difficult position. We have to safeguard the separation of powers and I submit to you that my amendment does just this. We also have to retain the checks and balances, and my amendment also does this.

The document that we have before us is an historical document. It gives, for the first time, the courts the power to clean their own house. Now, we have this right in the legislature. Why should we begrudge the court system to do the same. We would object if the courts would have the final say in removal of one of these Representatives in the House or in the other branch and none of us would buy it. Now, why should we not let the courts have the same privilege? This is all we are doing. We are doing one thing more, instead of exercising our separation of powers once every seven years, when a judge comes up for reappointment, we will now facilitate the citizens right to object beforehand by going through the commission and ultimately by removal from the court if the case so merits. This is all this Resolution does, it takes nothing away from the people. It enhances the opportunity for the citizens of this state to have continued confidence in the court system. This is all this does and I would hope that you would hold fast and vote for this Resolution.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: If you recall, a few weeks ago, I tried to offer an amendment to a particular bill, in regards to another bill, which has since, as Mr. Carter pointed out, become law. I argued, at that time, that if L. D. 1943 did not pass, then 1957 would be unconstitutional. We are now put in that position of not passing this bill and having an unconstitutional law we just passed a week ago. I am sure that I will not be intimidated or, in any way, suggesting to supporting this measure for that particular argument. It was valid then, it is valid now and I believe that I, as one individual, am going to vote against 1943 regardless of 1957's unconstitutionality.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: The last copy of the United States News and World Report had one of its lead articles on this whole matter of removal of judges by judges. It gave examples all over the country. There is no example where there was any hint of anyone being removed for any unjust cause. The article ended up by saying that only Maine, Missouri and Washington didn't have some such provision. It seems to me that it is time we joined the rest of the union.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like just merely to point out to the good gentleman from Millinocket that L. D. 1957, that we passed, was en-

acted in both branches and is now on the Governors desk, is not unconstitutional. Quite the contrary. It is a commission, which is advisory only, and the ultimate process through L. D. 1957, is impeachment by both branches.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support this enactment today. I want to see our courts made administratively sound. Justice Burger, the Chief Justice once said, and perhaps his most famous case when he was in the Federal circuit, who is going to watch the watchmen? Today with this bill, we have basically the same question, who is going to judge the judge? It is a cumbersome process now. If we have a problem in the court as we learned about a year ago when a judge became incapacitated.

This bill will only give to the Supreme Court that power that they need to manage the system that we hold them responsible for. We owe that to the people of Maine to give these justices the tools that they need.

I urge your support of passage of this enactment.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: The statement made by Representative Joyce is precisely what worries me about this amendment, when he says, that we want our court to be administratively sound. It sounds to me like we are talking about judges can be removed, if they don't toe the line administratively. We are not talking about only corruption or mental or physical disability but for any reason, when this Legislature can become politicized overnight in an election year and there is some involvement with the court, we, by simple majority in this House and in this Legislature, can pass a law causing the removal of judge. It is not that I distrust the court so much I don't think as the ability of this legislature with a simple majority in the House and Senate to think up reasons for judges to be removed and that is what worries me.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address the remarks of the gentlelady who was just on her feet, when she said that the legislature could pass the law for the removal of a judge. Now, that is not what this says. I think if you would read it again, carefully, you will see that all it does say and I would like to read it to you because perhaps some have not. The Supreme Judicial court shall have the power, the court shall have the power, not the Legislature, and the authority to remove from office any Judicial officer, including a judge of probate under such terms as are provided by statute or in the absence of statute, by rule of court. So, it is still going to be up to the judges to implement a statute if it was passed.

Now, we rejected the idea last week that the legislature should be involved in setting up these rules by statute. We decided that it should be left with the justices of the Supreme Court. I think that is an absolutely legitimate position. It preserves the separation of powers that we are so concerned about. It does bother me a great deal, as the gentleman from Winslow pointed out, we have had a statute on the books, I don't know how long it has been there, but it has apparently never been challenged even though everyone agrees, if it were challenged, it would probably prove unconstitutional. The point I am trying to get at here is, that for 150 years, we have had excellent relations between the Judicial Branch and the Legislative Branch in this State of Maine. I see no reason, to all of a sudden, get paranoid about the possibilities of tremendous conflicts between the Legislature and the Judiciary in the near or the far distant future.

The people are concerned. They want a

method of addressing judicial discipline. The bill that we have already passed provides the public an entry into the process, but it lacks the one ingredient that will make it effective. Without this constitutional amendment, it lacks the ultimate sanction of removal from office. Here, in this House and Senate in this Legislature, we represent the people, they are going to have to vote on this amendment. If they reject it, fair and good. If they adopt it, it will be in the Constitution. Assuming they adopt it and it becomes a part of the Constitution, I see no reason to believe that there are any more likelihood of problems arising from this in the next 150 years than there has been from similar laws in the past 150 years. If they do, then the legislature could again present another proposition to the people and change the constitution.

So, I repeat the bottom line here is, do you or do you not want the law that we passed last week, to provide for the ultimate sanction of removal from office? Do you want a people oriented commission, which is putting information into the justices to have the justices eventually be in a position to remove the judicial officer? I think I do. I think the majority of this legislature does and I hope you will vote for the amendment.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to preface my remark with a question. If there is any instance, were the power of removal is solely by the Supreme Court, then how can you convince me if there is an instance that we have a separation of power? As far as the argument about, what has happened in the past 150 years, I submit to you we didn't have a watergate before either at the national level, but we could have another one. I do not want to put myself in the position whereby one branch of government are judging their own people because, in the future, it may never happen but then it could. I could see where a man is put in or taken out of office because (1) maybe his last name is not what suits the people above him. Maybe, he doesn't make the decisions that his superiors would like him to make. Maybe, it might be the color of his skin and I cannot support this sort of a deal. I want to see a judge in position because he has the ability and the effectiveness.

You say, the Judicial System we would feel bad if they tried to remove us from office. Yet, I would, because I am an elected member of the people of my district; you are elected from your district; we are the voice of the people, so why should he have the power to remove us? This is where the power of removal should be, the voice of the people. I cannot support this amendment because I feel that it is an erosion of the basic powers of our form of government, the check and balance system, which has proven itself over the last 150, 200 or 300 years. I cannot support anything that would erode even in the smallest check and balance system that we maintain here, right in this House. I cannot support this amendment.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I rise to support this constitutional amendment and to respond to some of the arguments I have heard so far this morning. There is opposition to this amendment from two very extreme polls. I am really very surprised to hear them both being argued against the same bill.

First of all, we hear the argument that judges are somehow going to abuse their removal power if they are given this new power of removal. First of all, I should reassure those that think somehow this amendment may have grown out of internal dissent within the court. All of the judges favored this approach. Indeed, the district court judges, who are probably the ones most susceptible to public re-

action to their decisions, unanimously approved of this approach. There is no feeling within the court structure that any member of the court are going to use this removal power to work against other members of the court, who may or may not disagree with them on some internal matter. I hope we can put that to rest.

Indeed, I would challenge anyone here to show me a case in the United States and any state that has a similar power of removal, in which a judge was removed frivolously by his fellow judges or through animosity or because of color of his skin or any other such non-meritorious reason. It simply is not going to happen. It simply not going to happen. That brings out the opposite argument, which is ironic, because others of you are saying that judges don't have the ability to judge their federal judges. Indeed, it has been compared to foxes protecting the chicken coop. I think, again, that that argument doesn't hold water. What is going to happen, is the judges are going to be very conservative about judging their fellow judges, human nature being what it is. They are going to realize the precedential value, and they are going to be very careful about judging their fellow judges. But given the integrity of the Maine Bar, I feel sure that they will be instances in which judges will take action against their fellow judges realizing that one bad apple can spoil the whole barrel. This bill does not take away any power that this legislature has at the present time. It does not affect the impeachment power in any way. If judges, indeed do not do their job, under this proposed constitutional amendment we are, in no way, inhibited from doing our job as a separate but equal branch of government in bringing impeachment charges or through a petition of address.

Representative Spencer from Standish has mentioned the Massachusetts case, which is turning their structure apart because of the awkward mechanisms they have for removing a judge, who has done something of questionable integrity. I would just remind you that we have had a case in the State of Maine, not involving lack of integrity, but involving disability, where one of our own judges in just the last year was simply unable to perform his function; he was in a coma, that court came to a standstill because no one in this House certainly wanted to bring impeachment proceedings against a man in that situation and yet, there was no one else to do his job and the administrative court came to a halt. That is the kind of real situation which may develop, situations not deserving the impeachment route but situation, which do deserve some other method of either removal for disability or for malfeasance in office. This amendment is a way to address that, a way to give citizens redress, short of having to call together the entire Maine Legislature to deal with a problem and I commend it to your adoption. I hope it gets a strong vote this morning.

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

Mr. DEVOE: Mr. Speaker, Ladies and Gentlemen of the House: I have served on the Judiciary Committee for the last couple of years. We have considered two bills, which attempted to address this subject, one introduced by Representative Tarbell and the other by Representative Carter. I have listened to the debate the last several days that we have considered this subject. I find, this morning, I am troubled by the bill as we have it in its present posture. I am going to vote against passage.

I want to share with you a couple of the reasons that I have. In doing so, I find myself in allegiance with some other members of this House, who three or four weeks ago, I would have guessed I would not be voting on the same side with them. However, I have different reasons. The biggest single reason which I have for voting against the bill, as it is amended by House Amendment (H-1123) is that the words



statute are inserted and the rule of court is to take second place. In my own mind, I have attempted to analyze this situation where this House would be voting on an ethics bill affecting the behavior of members of this House. If this were such a bill, we would be jealously guarding the prerogatives of the members of this House to make rules governing themselves. We would not want to have rules that were prescribed by the Supreme Judicial Court governing conduct of members of this House.

We have been blessed in the State of Maine with a great judiciary, and I am aware of the disability problems that the gentleman from Auburn and others have referred to in the debate, but I think the principle that is involved in this bill in its present amended form is dangerous.

I would submit, as I have in the past few weeks, that we should let experience show us what the Supreme Judicial Court can do in the way of making rules and following the rules that they make. To do otherwise, to introduce this legislature in subsequent sessions, into the area of being subject to the changes in political winds, I think, would endanger the independence of the judiciary. For that reason, I am going to vote against the passage of this constitutional amendment.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to apologize. I made a comment earlier and it is inaccurate. I had said that if 57 passed and 43 failed, then we would have a constitutional problem. That is in accurate. However, if 57 failed and 43 passed, then the court would have the power to remove a judicial officer but with no method of implementing that. The question is not whether we put the horse before the cart. The question now is, shall we connect the horse to the cart, and I still maintain that answer is no. 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 this morning. I think this is a very important question, as we all realize. It concerns a concern of the citizens of the State of Maine who through their elected Representatives, asked that something could be done to address the judiciary. It is a very, very delicate thing, because we have heard great, long debate this morning about the separation of powers. The Judiciary Committee and the Judicial Council and a Supreme Court Justice and members of the general public met and came forth with this constitutional amendment.

In our hearings, up in Judiciary, we went the full range. There is a group of citizens that would like to have a commission with a majority of citizens, who would have the power to remove judges. After considerable deliberation, considerable testimony, the Committee on Judiciary felt that was inaccurate. We felt that probably that would be going a little too far to let majority of citizens remove Supreme Court justices, Superior Court justices or Administrative Court justices.

We did come with a bill that, as you know, would allow the court, the Supreme Court, on the advice of a committee comprised of citizens, judges and attorneys, and a good mix, not loaded in any direction but a good mix, listen to the complaints of the citizens of this state and then present it to the Supreme Court.

We amended this the other day because there was a lot of concern in this House, particularly from the young gentleman from Millinocket, Mr. Marshall, that we were taking something away from this legislature, that we were, indeed, tampering with the balances of power. I have been informed that the Judicial Council says this is not true and they are very happy with it. All it does is allow the legislature, if, in fact which to me is highly improbable that it would ever take place, but if, in fact, the court

should promulgate rules that were, in any way, unfair, then the legislature would have a chance or would retain the right to amend these rules. I don't envision that ever happening.

You have a good amendment here, you have a law, a good statute that has been passed to take care of a very difficult and delicate problem. If this doesn't pass today, we go back to square one and again, the thing that bothers me, I would be greatly afraid, because there is a segment in this House that are voting against this because they are not concerned with the Judiciary, they are concerned with the citizenry and they would like to see power vested in the citizenry to remove judges, and I think that that would be a drastic mistake.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hate to do this this morning, but I guess perhaps it would take a layman — I have to disagree with the gentleman from Orono, Mr. Dovoie, whom I have the greatest respect for as far as his legal mind is concerned. He has pointed out that the concern he has is that a rule of court is taking second place. This particular point was ably argued the other day by the gentleman from Bangor, Mr. Tarbell, and I understand the technical problem that these people are involved with. In fact, I can't even argue with the fact that the gentleman from Orono says this principle is one that he can't afford to do away with or let go by. He is probably right in principle, but as a lay person, and as a lay person who feels as though the people have a real wish to have an input into this, I am deeply concerned that what the gentleman from Brewer just said on the other side of this question, is also a problem. Lay people wanted more chance to get into this.

I think we have reached a balance here with this that is as close as we can get to something that can be adopted by this legislature and give the people the opportunity. I think we all realize that in the final analysis, way down the road, if it ever comes, which I doubt it will, that the legislature, in the final analysis, will be supreme, whether we say so here or whether we don't. Therefore, as a lay person, understanding the principle that the gentleman from Orono is concerned about, I am still going to vote the other side of the question from him and support this constitutional amendment.

Mr. Marshall of Millinocket was granted permission to speak a third time.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to respond to Mr. Norris' statement that I had been the one to raise the question of the separation of powers, I, in fact had not and that is not the objection that I have with it. My objection to these two bills was in their organizational structures and not their separation of powers. 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. 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 was ordered.

The SPEAKER: The pending question is on final passage of the Resolution. Those in favor will vote yes; those opposed will vote no.

The Chair recognized the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, I would request permission to pair my vote with the gentleman from Bangor, Mr. Henderson. If Mr. Henderson were here, he would be voting yes; I would be voting no.

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

Mr. TRUMAN: Mr. Speaker, I would like to

pair my vote with the gentlewoman from Augusta, Mrs. Kane. If she were here, she would be voting may and I would be voting yea.

#### ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Birt, Boudreau, A.; Brown, K.C.; Carey, Carter, D.; Cox, Dexter; Diamond, Dow, Flanagan, Greenlaw, Hobbins, Huber, Hughes, Immonen, Jackson, Jacques, Joyce, Kany, Kilcoyne, Lynch, Mackel, Masterton, Mitchell, Morton, Nelson, M.; Norris, Paul, Peakes, Pearson, Rollins, Spencer, Stubbs, Teague, Tierney, Tozier, Violette.

NAY — Aloupis, Ault, Austin, Berry, Berube, Biron, Boudreau, P.; Brenerman, Brown, K.L.; Bunker, Burns, Bustin, Carrier, Carroll, Carter, F.; Churchill, Clark, Conners, Connolly, Cote, Cunningham, Curran, Davies, Devoe, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hall, Hickey, Higgins, Howe, Hunter, Hutchings, Jalbert, Jenson, Kelleher, Kerry, Laffin, LaPlante, Littlefield, Lizotte, Locke, Lougee, Lunt, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBreairty, McHenry, McKean, McMahan, McPherson, Nadeau, Najarian, Nelson, N.; Palmer, Peltier, Peterson, Plourde, Post, Prescott, Raymond, Rideout, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Talbot, Tarbell, Tarr, Trafton, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Blodgett, Chonko, Lewis, Mills, Moody, Perkins, Theriault, Torrey, Tyndale.

PAIRED — Henderson, Kany, Quinn, Truman.

Yes, 42; No, 96; Absent, 9; Paired, 4.

The SPEAKER: Forty-two having voted in the affirmative and ninety-six in the negative, with nine being absent and four paired, the Resolution fails of final passage.

Sent up for concurrence.

#### Passed to Be Enacted

"An Act to Readjust Disbursement of the Potato Tax Fund" (H. P. 2067) (L. D. 2128) (C. "A" H-1110)

"An Act Concerning Filing of Claims for Occupational Deafness under the Workmen's Compensation Statutes" (H. P. 1872) (L. D. 1913) (H. "A" H-1117 to C. "A" H-1108)

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

RESOLVE, Requiring the Commissioner of Business Regulation to Study the Costs and Benefits accruing to the State as a result of Self-insurance of all or Part of Group Health Insurance Coverage (S. P. 637) (L. D. 1996) (C. "A" S-514)

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

The following Senate Papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Joint Resolution Urging the Maine Department of Human Services to Request that a Federal Pilot Program Providing Jobs to Food Stamp Recipients be Established in Maine (H. P. 2199) which was Read and Adopted in the House on March 8, 1978.

Came from the Senate Indefinitely Postponed in Non-Concurrence.

In the House: On motion of Mr. Diamond of Windham, the House voted to adhere.

#### Non-Concurrent Matter

Bill "An Act Pertaining to Ordinary Death Benefits Under the Maine State Retirement System" (H. P. 1885) (L. D. 1939) which was

Passed to be Enacted in the House on February 7, 1978 (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-984)

Came from the Senate Passed to be Engrossed as amended by Committee amendment "A" (H-984) as amended by Senate Amendment "A" (S-522) thereto in non-concurrence.

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

#### Non-Concurrent Matter

Bill "An Act to Revise the Laws Concerning Marine Resources" (H. P. 2146) (L. D. 2166) which was Passed to be Engrossed as amended by House Amendment "A" (H-1112) as amended by House Amendment "A" (H-1113) thereto in the House on March 3, 1978.

Comes from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-1112) as amended by House Amendment "A" (H-1113) and Senate Amendment "B" (S-525) thereto in non-concurrence.

In the House: On motion of Mrs. Post of Owls Head, the House voted to recede and concur.

The following Communication: (S. P. 733)

STATE OF MAINE  
DEPARTMENT OF STATE  
AUGUSTA, MAINE

March 7, 1978

To: The Honorable Senate  
of the 108th Legislature  
of the State of Maine:

Examination of the initiative petitions relating to "An Act to Repeal the Control of Milk Prices at the Wholesale and Retail Levels" filed with this office on February 23, 1978 has been completed.

The minimum number of valid signatures required to initiate this legislation has been determined to be 36,395. Our examination of these petitions reveals the following:

Number of Petitions Received	856
Number of Valid Signatures	32,000

In view of the foregoing determination of the number of valid signatures, it would appear that these petitions have not met the constitutional requirements of the minimum of 36,395 valid signatures.

Respectfully,

Signed:

MARKHAM L. GARTLEY  
Secretary of State

Came from the Senate read and placed on file.  
In the House, the Communication was read and ordered placed on file in concurrence.

The following Communication: (S. P. 734)

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

March 8, 1978

The Honorable Joseph Sewall  
President of the Senate  
The Honorable John L. Martin  
Speaker of the House

Dear Joe and John:

I have today nominated John C. Caldwell of Cundy's Harbor, Maine to serve on the Maine State Board of Education. Mr. Caldwell will be replacing John Ezhaya whose term on the board has expired.

Pursuant to Title 20, Section 51 of the Maine State Revised Statutes Annotated, this nomination will require confirmation by the Joint Standing Committee on Education and by the Senate.

Thank you for your assistance.

Sincerely,

Signed:

JAMES B. LONGLEY  
Governor

Came from the Senate read and referred to the Committee on Education.

In the House, the Communication was read and referred to the Committee on Education in

concurrence.

(Off Record Remarks)

On motion of Ms. Clark of Freeport, the House reconsidered its action of earlier in the day whereby Bill "An Act Concerning the number of Persons Required to be Covered by an Existing Group Health Insurance Policy for its Renewal or Replacement," Senate Paper 689, L. D. 2123, was passed to be engrossed.

The same gentlewoman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1134) was read by the Clerk.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: House Amendment "A" would have been Committee Amendment "A" had the respective Chairpersons of the Committee on Business Legislation not succumbed quite so easily to the gentle pressure exerted by leadership to report this bill out. This does reflect the unanimous position of the Committee on Business Legislation.

Thereupon, House Amendment "A" was adopted.

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

(Off Record Remarks)

On motion of Mr. Jalbert of Lewiston,

Recessed until three o'clock in the afternoon.

After Recess

3:00 P.M.

The House was called to order by the Speaker.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Divided Report

Later Today Assigned

Majority Report of the committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Reduce the Current Maine Individual Income Tax Rates" (H. P. 2035) (L. D. 2099)

Report was signed by the following members:

Messrs. MARTIN of Aroostook  
WYMAN of Washington  
— of the Senate.

Messrs. COX of Brewer  
CAREY of Waterville  
MAXWELL of Jay

Mrs. CHONKO of Topsham  
Mrs. POST of Owls Head  
Mr. TEAGUE of Fairfield  
— of the House.

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

Report was signed by the following members:

Mr. JACKSON of Cumberland  
— of the Senate.

Messrs. CARTER of Bangor  
IMMONEN of West Paris  
MACKEL of Wells  
TWITCHELL of Norway  
— of the House.

Reports were read.

On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and later today assigned.

Divided Reports

Reports Pursuant to Joint Order H. P. 2023

A Majority of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Provide for Reform of the State Tax Laws" (H. P. 2216) (L. D. 2184)

Report was signed by the following members:

Mr. MARTIN of Aroostook  
— of the Senate.

Messrs. MAXWELL of Jay  
CAREY of Waterville  
Mrs. POST of Owls Head  
Messrs. COX of Brewer  
TWITCHELL of Norway  
Mrs. CHONKO of Topsham  
— of the House.

A Minority of the same Committee reporting "Ought to Pass" on Bill "An Act to Provide for Reform of the State Tax Laws" (H. P. 2215) (L. D. 2183)

Report was signed by the following members:

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

Messrs. TEAGUE of Fairfield  
CARTER of Bangor  
MACKEL of Wells  
IMMONEN of West Paris  
— of the House.

Reports were read.

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

Mr. CAREY: Mr. Speaker, I would move acceptance of the Majority Report and would speak to my motion.

Mr. SPEAKER: The gentleman from Waterville, Mr. Carey, moves that the House accept the Majority "Ought to pass" Report.

The gentleman may proceed.

Mr. CAREY: Mr. Speaker and Members of the House: If the Clerk will confirm this information, there is a difference between the printed bill and the statement of fact in the LD, and you have been handed a long, yellow sheet which is, in fact, the correct statement of fact. There are several errors in there, and notably the error on the elderly program, which is in the bill at 1.4 is in the L.D. at 1.05. Somehow or other, there was a reverse in the fishing and the agricultural is in at 1.8 in the bill and fishing is at .32 in the bill. Those are the major changes. Now on to 2184 itself.

Mr. Speaker, Ladies and Gentlemen of the House, it is, indeed, a great pleasure for me today to stand before you representing the Democratic members of the Taxation Committee who have unanimously signed out this majority report. I would like, as chairman, to thank all the members of the committee who, while they might have differing philosophies, did work diligently together in trying to arrive at a joint resolution of the tax reform package. To say that we are miles apart would not be an accurate statement. We differ on which segments of society should have returned to it the surplus funds. We did, in fact, agree on approximately \$7 million in the two reports.

Governor Longley has said on several occasions that the overcollection should be returned to those who overpaid. The Republican members of the committee feel that he means the people hit with the increase in the income tax. I don't know their logic for the reduction in the corporate tax since that rate was not changed and, in fact, many corporations had substantial reductions with the removal of the inventory tax.

To sweeten the deal, since the lower income taxpayer did not pay in too much and therefore did not receive too much, the Governor proposed a one-shot rebate which the members of the minority included, but at a reduced figure. The Governor, you will recall, proposed \$50; L. D. 2183; the minority report, has a figure of \$25 for rebate.

It is interesting to note that after the poorer people are given the shaft, the rich will continue to reap the wheat.

The Democrats on the committee reviewed the entire tax field before arriving at the conclusion that over the past three years, state spending has, indeed, been held reasonably in check but at the expense of the local property taxpayer.

Democratic members of the House, to a person, agreed with the Democratic members of the Taxation Committee, and as a result, you have before you a package which does give, through a homestead rebate plan, money back to the very people affected by those forced intrusions into the property tax, the only tax base available to municipalities and counties.

The committee operated under some constraints, the most prominent being a letter to the Joint Chairmen of the Committee from the Senate Chairman of the Appropriations Committee. That letter, dated the 23rd of February, allocated a maximum of \$10 million for a permanent tax relief package. Ladies and gentlemen of the House, the Democratic package costing under \$7.5 million; interestingly enough, the Republican permanent package, costing over \$12.6 million, does not. I would ask this House, who is more fiscally responsible? Further, is there a double standard, where there is \$10 million for Democrats but \$12.6 for Republicans?

I can only come to one conclusion about the Huber letter to me, and is, either he lied or he is being used, and I have enough respect for the Senator to believe that he did not lie, rather he was used and used rather shabbily.

Republican leadership has been quoted as advising their members to hang tough. Republican leadership should be hanging from their thumbs. Their obvious intent is to also use the fair-minded minority members here in an effort to placate the Governor and win his endorsement in the race for his chair.

I believe the majority report truly reflects the principle that taxes should be based more on the ability to pay. How many times during debate on the uniform property tax, for instance, did we hear about that senior citizen who was being forced out of her home by increased property taxes? I recall the minority leader mentioning it himself on several occasions. Ladies and gentlemen, pure and simply put, the majority report does something for the people that need tax relief; the minority report, obviously, does not.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the remarks of the good gentleman, my good friend from Waterville, Representative Carey. I am not going to participate this afternoon in any diatribe as to the guilt of any one party and what they have said in the past or future, or what they hope to say in the future concerning the tax situation. I just simply want to say that if we are guilty of anything as a party, we are guilty of just having put together a program which I feel is responsible and does address not only those in the low income level who need returns but also those all along the line who can help stimulate the economic ladder here in Maine.

So with that in mind, I just want to, I hope very clamly, try to assess these two documents before you and just give you what I believe to be the vast difference and let you make up your own minds, regardless of what your party may be, regardless of what rhetoric might have passed in the last few days or weeks.

L. D. 2184 and L. D. 2183, they are, indeed, very very similar on eight points. In fact, they are, you might say, the same on eight points. We differ on only a few items. I want to talk about the difference in those two items.

In our package, we have addressed an income tax reduction. I think all of us in this House are pretty aware of the fact that a great deal of reason for the surplus is due to the fact that we did increase the income tax not too long ago, I believe on 2/6/76, or some such day as that. Indeed, it did produce much more money than we thought it would produce. This is an attempt to put back to those people who overpaid some of their money.

I do not buy the theory that this is all going to

the rich. I think we are losing sight of the fact toady, in the State of Maine, as we are throughout this nation, that we have many many people who are making ten to fifteen, sixteen, seventeen thousand dollars a year and they aren't rich. By the time they pay their real estate taxes and educate one child and pay their social security, their state income tax and their federal income tax, there is not much left. As a matter of fact, I think they may well be the forgotten people. I think that many of you, whether you are Republicans or Democrats, represent those people, and I think they represent a great majority of your constituency.

Secondly, we addressed the problem of a small though not very significant reduction in the corporate income tax. I think those of you who are aware of what has been going on in our collections for the last few years know another great reason why we have a surplus is because we indeed have, through the corporate income tax, collected much more money than we thought we would.

This isn't a significant amount of money, but it is something which I believe is more philosophical; it also is psychological. It is simply saying to business in the State of Maine, we appreciate the contribution you have made, we would like to express our thanks for that and we would also like to show you that government can, once in awhile, give something back rather than always taking away, so we have addressed the personal income tax, we have addressed the corporate income tax, and the corporate one, as you know, is indeed a very small part of this package.

Let me move over to one more point where we disagree, and that is jobs credit of a million dollars. I personally wish it could be much more than a million dollars. I personally believe it won't cost us a million dollars either, because I have been told, and I think by pretty reliable people, that every new job created in this state probably produces around \$360 a year in new taxes. You take someone off the rolls, the unemployed, you take someone off food stamps, off the human services programs, we give them meaningful employment, we give them dignity. It seems to me that in a state which has consistently over 36,000 people unemployed, that we, the people, should be addressing the problem. It is not a gift to business, it is not a gift to a corporation, to an individual or partnership, it is really an attempt on the part of those who put this package together to address the problem of unemployment in Maine. It is only a little bit of a start. It follows very well the Carter Administration's job in doing the same thing, and I believe we owe it to 36,000 people out there to say yes, we are concerned that you are unemployed, and if there is anything we can do to help it, we will. So here is a token of a million dollars to be put in this package for a jobs credit.

Finally, we address the problem of the rebate, which again goes back to the same arguments I offered when I began in discussing the increase in the income tax which we put on here thinking that we were in a serious financial situation at the time, that situation being corrected with a surplus, we feel it should go back.

Now, that is where we differ, four major points — income tax reduction, and that isn't for the rich, believe me. A lot of people are going to get \$25 back or \$50 that aren't rich. They will be glad to have it. If you think there aren't people out here in the State of Maine today who would turn their back on a fifty dollar bill, then I think you haven't been reaching out and finding out exactly how tough it is.

Last night, I was traveling through one of our towns in Maine and stopped at a grocery store and I saw a young couple buying their groceries, and I saw, as the clerk, had to take one, two, three items out of the bag, because the amount of money they had in their wallet

wouldn't match what they had to put back. Items they wanted, a man, wife and a little child.

There are people out there to whom \$25 and \$50 means a lot. That is the difference, now we go to the 2184. We agree, you see on eight of these items, the only thing we disagree now is on a so-called homestead exemption act.

I want to point out that that bill, I believe, was put together pretty hurriedly. There are a lot of problems with that bill. I would suggest that (1), it is an administrative nightmare. I doubt very much that the Taxation Department of the State of Maine could handle that thing.

I want to point out a couple of little things. I want you to look at Page two, 1606, Eligible Claimants. Just listen to these words: two to more in a household; when two or more individuals of a household are able to meet the qualifications for a claimant, they may determine among themselves as to who the claimant shall be. If they are unable to agree, the matter shall be referred to the State Tax Assessor's Office and his decision shall be final. I can just visualize the State Tax Assessor's Office being a court for some time to come determining just who, in a household, is eligible for this refund or this exemption, we are going to pass back to them.

I would suggest to you also that you have here a package which is going to return, supposedly, around \$10 million of the surplus. I want you to know the cost of returning that money. The L. D. 2184 does not really give you the true picture. It says here, that personal services shall be \$50,000. The true cost is \$250,000. Building with the \$10 million figure is about \$200,000 for administrative supplies. These are letters and postage, in other words, you are going to have to, first of all, claim an exemption and the Taxation Department is going to have to return your form, and they have to determine whether or not you lived in Old Orchard or Kennebunk, they are going to have to determine whether or not if you are talking about your vacation home or your permanent home or whatever it may be. The point is, it is an administrative nightmare, I believe, impossible to administer. But think of this will you? Those of you who want to give some money back to the people or those of you who want to expand some state services, you are spending a quarter of a million dollars, and better, in order to give back less than \$10 million. 2183 has very little cost at all. Think about \$250,000 when you think about your decision.

Finally, I think I would like to say, too, that I think this also discriminates against renters. There are plenty of people in the State of Maine who rent, as opposed to owning a home. Why should they be two-thirds as good or two-thirds as worthy as someone who owns his own home? That is what this bill says. They are worth two-thirds as much, they are two thirds as good. I don't believe in that philosophy. I don't think very many people here do either. This is, in effect, nothing more than a watered down version of the Governor's Rebate Bill. It has a little different clothing on and a significant cost in administration.

I submit that we have here, two documents, forgetting all partisanship and the rhetoric of the last few days, I ask you to look at the two on the basis of what is going to return the most for the least amount of money and what does address this total situation in Maine, not alone in giving money back to taxpayers but in addressing the economic problems we have in Maine. We have all looked at the agriculture, at the forestry, at the marine resources and we have gone one step beyond and looked at the jobless and said, let's ask for once to put a few dollars and put the money where the mouth is. We are always talking about unemployment and what we can do about it, a significant step in giving some people a chance to, once again, have some meaningful employment. So, there are two things, there is a vast difference. I ask you

to consider them very very carefully before you vote.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I would like, at the outset, to join with the good gentleman from Nobleboro, Mr. Palmer, to ask the men and women of this House to, indeed, forget the partisan rhetoric of the last few days. I ask you, too, to join with him in saying, that we should not stand here in attempting to assess the guilt on either political party. As Mr. Palmer said so ably last week and so clearly, each party does have a philosophy and each party's philosophy, I think is fairly accurately portrayed in the two L.D.'s you have before you this afternoon. So, like Mr. Palmer, I will try to explain and compare the two bills and explain to each of you, why I am proud to join with the gentleman from Waterville, Mr. Carey and the Democratic members of the Taxation Committee, in supporting the Majority Report. I would like to begin by looking at the corporate income tax break contained in the Minority Report. I would like to ask you, first of all, to remember back a few years ago, when this state decided to abolish the inventory tax and at that time, received the voluntary agreement from the industries of this state that, if the inventory tax were abolished, which you will recall, results in \$14 million tax break to the businesses of this state, that they would voluntarily agree to increase the corporate income tax one percent. Well, now some six years later, as the property taxpayers of this state are fully feeling the burden of the absence of the ability to tax inventory in their local municipalities and, this year local property taxes across the state, are going up because of the lack of inventory to tax in their municipalities, in that year, the Republican Party has come into the House of Representatives and not only tried to repeal the one percent increase in the corporate tax but go a little further and take another percent off too.

Ladies and gentlemen, I, first of all, feel that is the wrong way to go. But, there are a lot of other reasons not to lower the corporate income tax. Maine has the lowest corporate income tax rate in New England. Maine's corporate tax rate is half the corporate tax rate in the country, as a whole. Although, there are 10,000 Maine corporations, only half pay any corporate income tax. The vast amount of it is paid by a few large corporations owned by out-of-state corporations and out-of-state holding companies and stockholders.

Well, the gentleman from Nobleboro may feel that is a step in the right direction, I do not. I do not feel it will help attract industry to Maine and neither do studies, which have been made, time and time again. It showed Maine's very, very modest corporate tax is not a reason for either attracting of keeping industry away from our state.

So, I feel strongly and I object strongly to his statement that this legislature and past legislatures have been insensitive to the needs of Maine business. Looking at the sales tax break on new machinery and the abolition of the inventory tax, those two proposals, alone, have resulted in virtually a \$30 million tax break to Maine industry to make them more competitive with other states. I resent that remark and I feel it is fundamentally inaccurate.

Let's look at the personal income tax. The Minority Report proposes that we reduce the personal income tax, four percent. Now, what does that mean? It certainly sounds good. What does it do for the forgotten people, to use Mr. Palmer's expression, those people who earn \$15,000 to \$16,000 a year. Well, let's use a married couple filing a joint return, a family of four, for purposes of comparison. To begin with, for that family, who make \$10,000 or under \$10,000 a year, is over half the people who file income tax returns in Maine. If you

pay under \$10,000, the Republican and the minority plan, gives you nothing. If you make \$10,000, the Minority Report reduces the permanent tax break in the amount of \$2, less than what most of us probably spent on lunch today. But, let's evaluate our sights, ladies and gentlemen, and talk about the forgotten people, the family of four, who make \$15,000 a year, probably working two jobs, husband and wife both working and they make \$15,000 a year. Tax break to them, permanent tax break under the minority package, \$6, enough to buy the tickets to get into a Grade B movie and not enough left over to buy popcorn. Now, how about \$20,000. \$20,000 and, ladies and gentlemen, 90 percent of the people, who file income tax returns in Maine, 90 percent of the people make under \$20,000 in Maine, how much do they get? \$14, ladies and gentlemen. Now, how about the person who makes \$50,000 a year? What do they get? Adjusted gross income, a family of four. They get \$112.00. How about the family of four, where they are fortunate enough perhaps because they are an attorney, not one that serves in the Legislature, I can guarantee you or perhaps a physician or a businessman, \$100,000 a year adjusted gross income, he gets a \$300 tax benefit under the minority proposal.

Ladies and gentlemen, there is no question, we have two parties and we have two philosophies. The Democrats in this House feel very strongly as was evidenced yesterday, that we feel the major tax problem facing the people of this state, is property tax. Wherever you go to hear the cry for relief. We have felt that by moving, and moving strongly with a homestead plan, that that, indeed, is a way to give money not necessarily to the municipalities but directly back to every home-owner and every renter in this state, not a rebate plan, ladies and gentlemen, which only gives up to \$25, if you are fortunate enough to pay that much, but to everyone. Now, the gentleman from Nobleboro, Mr. Palmer, said that the homestead plan was just a watered down rebate. I would say rather that it is a juiced up rebate, that we are giving money to everyone. If you own a home and you have to pay taxes, you are going to get \$30. If you rent, you get \$20, the difference is obvious, and the gentleman from Nobleboro knows full well, the homeowner is liable for a great many more expenses than the renter, a great many long term responsibilities.

Ladies and gentlemen, there could be no question that a property tax relief is the way to go. Cost of administration \$200,000 or a little over. It sounds like a lot when Mr. Palmer mentions it but he knows full well that if you figure it out it is about two percent. If you could administer any program in state government with an overhead cost of just a little bit over two percent or three percent, then you are doing very well. I certainly hope you wouldn't fall into that trap, ladies and gentlemen, in analyzing the problem.

Finally, the great jobs credit, doing something for the 36,000 unemployed people in the state. Well, I feel that our program does a lot for them. I think it does significantly because the people, who are unemployed won't be getting anything under Mr. Palmer's income tax plan, I can assure you, and they won't be getting anything under that corporate tax plan. But what he does is, his plan gives a credit, if you create a new job and I would like to have Mr. Palmer. This may be something I can buy from a very self interest point of view and perhaps he can respond to the hypothetical, I give to him.

We have a young man working in law office right now, who is a third year law student and we plan to hire him as soon as he passed the bar exam at the end of the summer. It is my understanding that Mr. Palmer's plan is going to — we are going to do that, whether Mr. Palmer prevails or not and I would certainly be happy to know how much money my law firm is going to get and if he wants to present the package of

spending our one shot surplus money, that we have all contributed to, if he wants to give it to my law firm, he may sell me on that one before the debate is over, but I don't think so.

One last point, ladies and gentlemen, because it is a point that was made by, not only Mr. Palmer but has been made by the Governor of this state as well. Every time I hear it, it bothers me a great deal and I am going to take this opportunity to debunk it once and for all and that is, that the implication that the people in this state, who are paying high income tax, are the only working people in this state. Ladies and gentlemen of the House, I find that offensive. I think that because a person is out there working every day and only making minimum wage or making \$3.00 an hour, working in a shoe shop or a textile mill, I don't think that person is working any less hard than the corporate executive or the doctor or lawyer, who is making a lot more. Indeed, ladies and gentlemen, I don't think that a person, who has to stay home and maintain a family while their spouse works, I don't think that person staying at home is working less hard than the corporate executive. I resent the implication that only certain people have contributed to this surplus. When the dollar is paid into the general revenues of this state, it is not earmarked, this one came from the income tax and this one came from the sales tax. I would say to the members of this House and to the people of this state, dollars paid into the general revenues of this state, it is not earmarked this one came from the income tax and this one came from the sales tax, and I would say to the members of this House and to the people of this state, that any dollars spent in paying sales tax to buy shoes for your family, or sales tax on the drinking water that you consume every day is any less of a dollar paid into that surplus than the dollar paid in by the people who are paying high income tax. That is one myth which I feel has to be debunked here this afternoon.

I hope you join with me in supporting the majority of the committee.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to add a little to the rhetoric this afternoon, having been here a long time and having been opposed to the increase in the income tax when it was increased, and spoke many times against it, told the people at that time, I remember some of the things I told them, that they must have recently been studying Robin Hood or some method of how they wanted to pick people's pockets was some of the terms I used, that I didn't think it was necessary at that time, so I feel I should add something to the rhetoric today.

I must say that in my opinion, I don't accept either philosophy that I have heard this afternoon. I think there is a third one. At least there is mine, and it doesn't agree in whole with either one of these. I don't agree that we take a man's money and then we have got to spend two or three percent of it to return it to him.

Let me tell you a little story that related to the subject. It is an old Greek story and I think I told it to some other members in the House the same story, the boy who saved the old lady from drowning, but he pushed her in.

These same politicians today that are running for public office, and that means probably all of us, or a good part of us, are in the same position. They want to win the reward for something they shouldn't have done in the first place. This is the way I see it.

It could be said in another method — a man who robs a bank and he has had the use of the money that he robbed from the bank for two years and collected the interest on it, and now he is trying to find an honorable way to give it back to them. This is the third philosophy that I see. This is how I differ from these people who just spoke.

I think an honorable way to do this would be to leave the surplus alone and not spend \$200,000 to give it back to anybody, leave it right where it is and just cut the income tax back to a point where we use up the surplus. We could write it in the same bill, that when the surplus is gone, we would continue on with maybe a different tax rate, but we could do this without costing two or three percent or five to give the people back the money that we, in a sense, stole from them in the first place. We took it from them when there was no need of it, and I told you so at the time we passed it. I still say so. I am in business. If I overcharge a man, all my life it was either refunded in cash or with a cash credit.

I think we have got to give it back to the people that paid it, not to someone who didn't pay it. So in that respect, I accept the philosophy that if you do pay it back, you pay it back on the basis of who paid it. This would seem honorable to some degree.

It seems to me today that the politicians in this House and the people running for Governor and the other office are looking for some honorable way that they can give the money back to the people that they shouldn't have taken from them in the first place. And I don't really know of an honorable way to do it. If you are a thief, you are a thief, and there is no way to give it back honorable. The only way that I can see that would be a saving faith proposition is to reduce the income tax rate and use up the surplus in that method. I see no other way to do it and do it honestly.

Believe me, the people out in the area that I come from, the country folks where I come from, they are more intelligent that you give them credit for. They see this, they see us down here using their money to try to find a political advantage for somebody. I am not looking for political advantage for nobody. I just want the people that we picked their pockets to give it back to them, and the only honorable way I can see to do it is to give it to the ones who paid, not to someone who didn't pay. That is the way I see it and that is my idea of a third philosophy.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I don't see the gentleman from Waterville in his seat, but I hope he is within the sound of my voice because I know that gentleman to be a genial and a good-hearted man, and it is with full respect for him that I take issue with him opening remarks relative to Senator Huber. I don't think anybody who knows that gentleman would give second thought to that approach, and I hope the rhetoric today won't continue in that vein.

Both the gentleman from Waterville, Mr. Carey, and the gentleman from Lisbon Falls, Mr. Tierney, make quite a bit of the burden of the property tax. Of course, having wrapped themselves in the contortion that they have produced here today, they must do that. But I want you to know that we at the state level, I think Mr. Carey intimated that we have held down state spending and put it to the property tax, well, since the inception of 1994, the state has increased its state dollars to education to the tune of \$80 million. Between '74 and '77, under state-municipal revenue sharing, we have increased the contributions in that area and in tree growth reimbursement and in other similar types of reimbursement to the municipalities something over \$11 million. In transportation we have gone up a quarter of a million dollars, so that on purely state dollars, we have increased contributions to the municipalities that have resulted, certainly, in holding down the property taxes of over \$90 million. I just state that I don't think the gentleman's statement that we have held down state spending at the expense of property tax burdens stands up very well in that comparison. Now, paralleling this since the onset of federal revenue sharing, counties and municipalities have

shared in \$226 million. The recent introduction of Title II Antirecession funds has produced \$23 million. So I am stating that they haven't made their case on the fact that we have taken it out of the hide of the property tax and now are sending it back via the income tax. That argument just won't hold.

Mr. Tierney made a statement that would be hard to deny, that a dollar paid of sales tax or a dollar paid of income tax all goes into the same till, but to make his point stick, therefore, this creates a surplus regardless of its source is not quite accurate, because we do have projections and these projections have to be met in order for the budget to fly. Consult any of our recent monthly statements and you will find that the surplus, the real surplus, the spendable surplus, the accruable surplus is being generated by the income taxes. So I think as we consider the logic of the proposition that is before us today, that you would carefully consider the equity, the equity that is being put before you, the equity that would state that if you moved into this state in December, you are going to share in this bounty to the same degree as if you had contributed to the surpluses that have finally accrued, to say that if you are a family of four renting a \$350 a month apartment, you are going to get the same benefit as a couple of singles renting a \$180 a month apartment — equity, it is not there.

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

Mr. CAREY: Mr. President and Members of the Senate: I would like to try to respond to the gentleman from Cumberland, Mr. Garsoe, who apparently has not been awake during some of the sessions that we have had in the last few years.

Only recently, Mr. Garsoe, I was in Farmington, just happened to be going through the town, spoke to a town official, and he was highly upset that the town had to pay — the town had to pay \$3,500 for painting the white lines in the street, lines that used to be painted by the state. He was highly upset that there was no town road improvement money, monies that used to be there furnished by the state. He wasn't too crazy about the fact that they had no snow removal money, money that used to be furnished by the state, and he was extremely unhappy that when we increased the valuation we did not equalize the effort on the welfare rolls and that they now had to come up with much more welfare money, monies that the state used to participate in before.

If Mr. Garsoe, who was, as I was, a proponent of the uniform property tax will recall, because we discussed it on many occasions, if not in this hall at least out on the road, the fact that we had mandated transportation in the field of education, which used to be 100 percent paid for by the state, which suddenly went down to 90 percent state participation and 10 percent local, that we had, in fact, mandated at the state level special education and the state used to pick up 100 percent of special ed costs, and now the locals have had to pick up 10 percent of that cost, and that we have been mandating through regional centers and what have you, vocational education, and the state used to pick up 100 percent of the cost and now we are picking 90 percent of the cost at the state level and have pushed onto the municipalities 10 percent of the costs.

I don't know, Mr. Speaker and ladies and gentlemen of the House, if Mr. Garsoe is aware of where his city or town hall is, but I have just recently completed, voluntarily, 16 years as a municipal officer and I know what the state has been doing to the municipalities.

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

Mr. GARSOE: Mr. Speaker, I am glad one thing that Mr. Carey didn't challenge is my figures, because the figures I gave you, and I will concede everything he said. He is an expert in this field. He sticks out some minor, fiscal

statements and they are true, but the figures I gave you that have, on an increased basis, gone back to the municipalities in the last four to five years are \$340 million. If you want to agonize over the fact that yes, the white line has to be painted now by someone else and there are some changes elsewhere and ignore this concept, then you can make your case. If you figure that \$340 million of new revenues have gone back to the municipalities over the last four to five years, I think you have to a tough row to hoe.

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

Mr. LYNCH: Mr. President and Members of the Senate: I would like to make a brief observation. We are talking about who is going to get what, and I don't think anybody has referred to what is going to be left here in Augusta. I would simply like to say that if you want to protect the taxpayers in the State of Maine, you ought to consider what is left here in Augusta.

The credit analysts for the rating houses look very carefully at the operation of the state and municipal fiscal situation, and I think to leave anything under \$5 million is very imprudent. Ten would be better; I would like to see \$15 million.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: As has been brought out, the main difference between the two bills before you is the question of income tax relief versus property tax relief, and in considering income tax relief, there is one factor that I think we should keep in mind; namely, the effect of inflation on our tax rates. Because our tax rates are progressive, in other words, because the rates go up as our income goes up, inflation subjects us all to automatic income tax increases. For example, take the case of someone with a taxable income of \$10,000, which puts them into a 7 percent tax bracket, and I am referring to the single person, if their income goes up due to inflation, because their income is tied to a cost of living index or for other reasons, this additional income would be taxed not at 7 percent but at 8 percent. The point I am making is that inflation pushes us into higher tax brackets, even though we may not have an increase in our purchasing power.

Canada, as well as several of our states, has recognized this problem, and they have their tax rates to the cost of living. The federal government has addressed this problem by granting rate reductions from time to time. Here in Maine, we have not recognized this problem at all; indeed, we increased our income tax within the past two years.

Report B before you would grant a 4 percent tax reduction to individuals. This is really very little compared to the automatic tax increases due to inflation that are built into our present system.

For example, the percentage increase from a 7 percent rate an 8 percent rate is a 14.3 percent increase. The increase from a 4 percent rate to a 6 percent rate is a 50 percent increase. Inflation having averaged something over 6 percent a year for the past few years, and there are those who predict that we may soon be facing double-digit inflation again, and in view of this, I think you can see the urgency of the problem, and this problem of inflation on our tax rates isn't hurting just the high income people. Many of them already are in the top income tax bracket. It is hurting the working men and women of Maine, and I urge you to think about the plight of these people. It is incorrect to assume that the income tax is a tax whose burden falls only on the high income people. For example, almost half, or precisely 47.6 percent of our total income tax revenues came from those with taxable incomes of \$20,000 or less. That \$20,000 may sound like a lot of money, but in these days it really is not. There are many working people in Maine, in our paper mills

and truck drivers and many others whose income is \$20,000, and if both the husband and wife are working, their income is often more than that.

I would urge you to give consideration to income tax relief today.

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

Mr. KELLEHER: Mr. Speaker, I would like to ask my colleague from Bangor, Mr. Carter, a question. Has inflation hit the property owner?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Bangor, Mr. Carter, who may answer if he so desires.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I hope that all members of the House will not get nasty and attack each other personally on this issue. I think eventually we are going to settle it one way or the other, and I would hope that we could keep our comments to the specifics of the issue and not launch any personal attacks on other people's philosophy, whatever.

I would like to make one point about Mr. Tierney's statement about the sales tax. I do agree with him that one dollar of sales tax revenue is the same as one dollar of income tax. However, I would suggest that the person who makes fifteen or twenty thousand dollars probably purchases more goods and services than the person who makes six, seven or eight or nine thousand dollars. Therefore, in terms of the total money, you ask who is putting the money into the General Fund, the people in the higher income brackets are paying more sales tax because they are buying more goods. They can afford to buy more things; therefore, they are paying more sales tax. That is how I can justify supporting a reduction in the income tax.

The second thing, and Mr. Palmer referred to it on the eligible claimants and the renters, we have a very mobile single population not only in Maine but throughout the country. I just can't understand how this system is going to work. Young people who are single are very mobile. They move from town to town, they move to better jobs, they move to the coast for the summer, they live with different people. In January, many of them are living with one person and in March they are living with someone else. How are we going to administer a system where these people are going to get \$10, we are going to make a decision on who is renting the flat, and when that decision is made, that person is going to get the \$20. I guess if there are three people living there, they will get \$6.50 or \$6.75 or whatever. But what is going to happen in the case where in one month someone is living with John and the next month he is living with Peter and the next month he is living in Kennebunkport for the summer and the next month he is living back in Biddeford or Waterville or Lewiston?

There is just going to be some real problems here, and I think that single people who live together oftentimes do move to the coast to work or move somewhere for a job, and in many cases, and even in situations where one person decides it is time to move on and does not want to live with the person they are living with, then is there going to be an argument as to who is going to get the \$20? Is the person going to say, well, I will just appeal to the State Tax Assessor and try to get my \$20 that way? There is no way that that is going to work. If you have a situation where people are living together, they are married, they are renting an apartment, I could see possible where they would benefit from getting \$20. There is a large segment of the population out there that are not going to be in a situation where that \$20 is going to be very practical in terms of who is going to get it or

anything else. So, I can see a real flaw in that.

I do agree with the philosophy that the renter is paying part of the property tax through the rent, buy because of the things that I have mentioned, I really think there is going to be a problem with the State Tax Assessor in figuring out who is going to get the rebate or who is going to get the \$20 or what the situation is going to be, especially single people who move around a lot and who are not tied down to one specific home or neighborhood or whatever the case may be.

My objection is to that part of the thing and also to the point about the sales tax, because those people who make the higher incomes are paying a lot more sales tax than the people who are making the lower incomes. I think that that is a perfect justification for supporting an income tax reduction.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to get this in a little bit of a perspective since we have been going all over the map. The latest figures that we have of completed income taxes are those for 1976, so these are the figures that I have used. By using the 4 percent reduction right at this moment, and coming down through, if it is approximately equivalent to the 1976, we would find that there would be 15 taxpayers who applied for tax who will receive better than \$20,000 a piece. There would be 51 who would receive better than \$10,000 a piece. In fact, there would be 1,242 who would receive more money this year than we did for coming down here in the legislature, because they would receive more than \$2500.

Let's look at the other end of it. There are 62,867 who did not pay one cent of income tax; therefore, their taxes are not going to be reduced. They are not going to receive the \$25, but I will submit to you that they have been paying property taxes, they have been paying rent, they have been paying sales tax and they have been paying sin tax.

I would like to make one more point in regard to the note that is being made about the \$240,000 or \$250,000 that will go to pay out this money on our program. If we take that 15 people who are going to receive better than \$20,000, we have \$300,000. I would much rather see somebody working and getting the \$250,000 we are offering, rather than someone pocketing \$300,000.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: First, let me say that I am not a tax expert and I haven't been privied to work on the committee but, yet, I sit here today and I am thinking of my constituents. There has been a lot of talk about as to a rebate and bringing money back to the people.

The Republican plan that you have before you, as I figure it, in order for the person to get \$30, it would be necessary for that person to make approximately \$25,000; yet, under the Democratic plan, the income level is not necessarily looked at, it is looking at property or apartment dwellings. All I know is that those of you in this House, and I don't much care if you are a Republican or a Democrat, you should all be concerned about putting some money back to the people who have to pay taxes in the form of sales tax or income tax or any other tax. I think what we should be trying to do here today is to give back money to as many people as we can.

Mr. Carter can say that he has constituents in the Bangor area, and he apparently has many constituents who make far in excess of \$25,000 a year, but let me assure you, I don't have that many constituents in my community who make that kind of money, and I want to return to those people as much as I possibly can as a legislator. The only way you can do that, ladies and gentlemen, be it a Republican or a Democrat, is to support the Democratic bill that you have before you because the

income tax is based on the ability to pay; the property tax is a regressive tax, it is not on the ability to pay. I think we all should have one thing in mind here today, and that is to put as many dollars as we possibly can in the pockets of as many people as we possibly can. The Democratic plan does that; the Republican plan does not.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to approach this from a different aspect. I have heard a lot said here about the people back home and I hope that I am not the only one to do my homework. I probably have made as many calls as Mr. Palmer or Mr. Tierney or anyone else here in the House. I probably am in contact with as many people in a district that is very poor as any of you are.

I have here on my desk, a tabulated copy of some of the questionnaires that people have sent back to me. When I became involved in putting together a package, the first thing I asked here in the caucus was, did you go to the people? What did they tell you? I am not running for Governor or anything else so I did make a package here that the rest could say yes to. We built the package we have here from the ground up, from the people I represent back home. You know what the people back home told me? Five to one, they said, don't go with the income tax.

To give you a little more illustration on this, the first time the income tax came up in my district, I made a 105 contacts with the people back home and I have those all on paper, the telephone numbers and whoever they were. Would you like to hear how that came out? Mr. Palmer, this might interest you as well. Out of the 105 calls that I made, 97 of them said go with the income tax route, and you know why, because the people that I represent are loggers, farmers and people that work in the shoe-shops and in the mills back there. For instance, I have a brother who worked there for 12 years and he just got to \$3 an hour last year. What I have tried to do is work from the ground up, not start a package here and have everybody go along with it but all of us, as Democrats, we all could plan to help all the people.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to respond, if I could, to a couple of statements that have been made about the L. D. which is before us now. Mr. Palmer mentioned in his statement that he thought this bill was probably hurriedly written and when he looked it over, the major flaw seemed to be something that was totally unenforceable, that the Bureau of Taxation couldn't possibly work out a kind of situation when there was a disagreement in a household of who was going to pay a tax in that particular household. The Bureau of Taxation would then have to be arbitrator of that, and evidently he has never read the section on the Elderly Householder's Tax and the Rent Refund Act, which is where we took this idea from. Under that particular such proposal, which the Bureau of Taxation is administering very easily now, with no problem, it says: "When two individuals of a household are able to meet the qualifications as a claimant, then they determine between them as to who the claimant shall be. If they are unable to agree, the matter shall be referred to the State Assessor and his decision shall be final." This is nothing new; all we are doing is saying that this particular proposal should be administered in the same manner as the elderly tax and rent refund.

I think if he wants to talk about something being hurriedly written or not carefully considered, he best look to his own house. For instance, L. D. 2183 is underfunded, according to the Bureau of Taxation, by at least \$200,000 in their refund proposals for the sales tax on com-

mercial farming equipment. So I think people who live in glass houses perhaps should not throw stones.

Representative Palmer went on for some time about the assistance that we should give to corporations and how, in fact, especially in the area when the corporations provide jobs under the federal jobs credit and he went on to propose one of his own jobs credit. I think it has already been documented today that several of the larger corporations of the state, both by receiving sales tax exemption of machinery, equipment used in processing and manufacturing, and then not having to pay business inventory tax any longer, have, in fact, over the years, received substantial tax benefits. If the Democrats on the committee had really wanted to get at the corporations, we could have done so, for, in fact, our proposal includes the same kind of language as does the Republican proposal, that if this language is not in this bill, the State of Maine could bring in an extra \$780,000. We brought this language in and some people call it a windfall credit or windfall money for the state; it doesn't show up on the fiscal not because the Bureau of Taxation never anticipated it coming, but if, in fact, we were not making the changes that are in both bills, the State of Maine could collect from the corporations, because of the federal job tax credit, approximately \$780,000.

We are not ignoring the corporations, we are certainly not out to get them. All we are saying is, in light of what has taken place, over the past few years, in light of the commitments that the corporations made on how to pay back the sales tax lost for machinery and equipment, that this is not the time to provide that kind of relief.

Representatives Garsoe tried to convince you, and I understand why he perhaps had a difficult time doing it, but he tried to convince you, or convince us all, that property tax burdens have not been going up in this state. That is exactly the point he tried to make and he tried to do it by saying, after all, we have sent \$350 million more to the municipalities than we did four or five years ago, but he didn't give that as a percentage and he didn't tell how much of that was education, and what he didn't tell you is, in the last four or five years, the State of Maine has shifted to the residential property taxpayer, or we will have by the time the schedule of payments is worked out, about \$14 million more of taxes — \$14 million that the residential property tax owners will have to pick up because of the loss of the business inventory tax.

He didn't tell you that in the 1970's the State of Maine was giving \$2.6 million back to the communities in general assistance. You know what we are proposing this year, what is in the budget this year? About \$700,000. That is not an increase and the difference in that — certainly our general assistance costs haven't been going down in our communities — and that difference is going to have to be picked up by the residential property taxpayer. Go back to any of your people and ask them which tax is the most regressive, and I think that your survey will show up the same as Representative Hall's, and they say the property tax. Which is hardest for you to pay? The property tax.

I do agree with Mr. Dudley, I think we should be giving back the money to the people in this state who have paid it in, but what I would say is, that the people who have been paying it in through the nose have been the property taxpayers, and that is where we should give the money and that is why I support the Democratic proposal.

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

Mr. PALMER: Mr. Speaker and Members of the House: I do want to speak a moment now that the good lady from Owls Head has clarified for you the motives and intentions of the good gentleman from Cumberland and the good gentleman from Nobleboro. I want to address,

if I might, go back just a moment to two or three of the points that I made in my opening remarks. As far as I am concerned, they have not yet been answered and I think they are the crux of the whole problem between L. D. 2183 L. D. 2184.

There is still no answer to the fact that L. D. 2184 will cost \$267,000 to administer, where the other one will cost \$35,000. We are asking to turn back to the people in the State of Maine, in one instance, \$20 million at the cost of \$35,000 and the other one around \$17 million at a cost of \$267,000. I submit that it is a significant amount of money.

The good gentleman from Lisbon Falls, my good, young, impetuous friend in the corner, had a few remarks to make and I would like to say just a couple of words to him. Indeed, there is a big difference in the philosophy of your party and of mine. I think if you will look these two bills over, as you suggest, they do, indeed, carefully delineate the differences. They do point out the differences, because we have addressed the total picture, I believe, here in the State of Maine.

We have questioned whether or not a renter isn't worth as much as someone who owns their own home; we have questioned the administrative cost of this package; we have questioned the cost of the administrative nightmare involved in the package, and that has not been addressed. I still believe with all my heart that the Taxation Bureau would have less hair than I have when they get through six months of trying to administer L. D. 2184.

I want to close by telling you, yes, Mr. Tierney, there is a difference in our philosophy, and our philosophy is very clearly expressed in our tax package and it is expressed also by the founder of our party, who said, and every item in our package addressed these very words — this is what he said: "You cannot bring about prosperity by discouraging thrift; you cannot strengthen the weak by weakening the strong; you cannot help small men by tearing down big men; you cannot help the poor by destroying the rich, and you cannot lift the wage earner by pulling down the wage payer."

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

Mr. TIERNEY: Mr. Speaker and Members of the House: One day at a leadership meeting several weeks ago, the good gentleman from Nobleboro, Mr. Palmer, looked at me and said, "Mr. Tierney, neither you nor I were born yesterday." I responded, "Linwood, that is true, but I was born 30 years closer to yesterday than you were." While that may be true, I hope my next remarks would not be deemed impetuous, because I think our party has labored long and hard to bring before you the Majority Report we have, not done behind closed doors, not done in secret consultations, but done so that each and every one of us as a member of our party can have substantial input into the final results. While we may not be unanimous in the way it came out, we feel that it is a package that we can all live with. I hope we would support the party and I hope too that we will remember that we serve all of our people and that we serve, most of all, our conscience as opposed to a short term political benefit that others might gain.

So I say to you, the good gentleman from Nobleboro, especially as the political repercussions of his last remarks and for him are so clear, rather than to say it directly, I would refer him only to the end of Act II of Henry the 8th when Cardinal Wolsey, at the end of his career, lamented: "Had I served my God with half the zeal I served my King, he would not mine age have left me naked before my enemies."

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I believe just about everything has been said. I would like to add a

couple of comments which are based primarily upon my experience on the Taxation Committee. We all agreed that there are many proposals within both of these bills that are very, very good and I think this has already been indicated, that there are from seven to eight proposals within both bills which are fine proposals which we all agree on.

I do believe, though, that L.D. 2184 does not reflect accurately the testimony that we received at the public hearings. I do believe, at least in my own opinion, that the public hearings demonstrated a need and strong support for a rebate, an income tax rebate, and an income tax reduction. I think that was very well substantiated by the hearings that we did have.

I do object to the homestead rebate plan. I think there are some problems with this plan as it is now written, and I think these were brought out.

There has been some concern expressed about the price tag of the Minority Report and, frankly, I am not too concerned about it. I am very much afraid that if we do not return this money to the taxpayer in one form or another, it will be expended in some other way, for that reason, I am not apprehensive about the \$20.3 million price tag on the Minority Report. I think it is money well spent in being returned to the taxpayer.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I, too, sat on the Taxation Committee and listened to the public hearings which the good gentleman from Wells has mentioned. I think he is, indeed, correct that the testimony presented to us favored the income tax rebate. The testimony we heard, and I hope I have the titles correct, I don't have them written down, was from the President of the Bath Iron Works, the President of Cole's Express, a local man from Scott Paper Company, Mr. Ben Howe, and very many of these people were very upset about the amount of increases that their management people had had to pay. I am sure that the people that the Democrats are trying to help in this package were not there, because they were back home in the woods busily trying to keep body and soul together cutting wood; they were in the shoe factories busily stitching shoes, getting money enough to keep body and soul together and could not come down to these hearings.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I can't support L.D. 2184, which appears to me to divide the citizens of our state into at least two classes which appear to me to be arbitrary and capricious types of classes. On the one hand, you have the nine month requirement of domicile in the State of Maine, which is impossible to prove, detect and administer. I can't understand why one person who falls on one day or one week short of nine months should be treated any differently than the person who falls on the other side of nine months domicile.

Another class pertains to the person who rents as opposed to the person who is an owner. The single renter would only get \$20. The single owner would get \$30. And differently stated, a family who owns a home of four or five would get \$30. And differently stated, a family who owns a home of four or five would get \$30. Four renters living in a single unit would get \$20 apiece. These types of classifications, in my mind, are inherently suspect under the laws and the Constitution of Maine and our country, and it is not my idea of equal protection under the law.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Lisbon Falls, Mr. Tierney, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Tierney assumed the Chair as Speaker pro tem and Speaker Martin occupied his seat on the floor of the House.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I guess to some degree the remarks of the gentleman from Bangor, Mr. Tarbell, brings me to my feet on the question that he has raised. That question, to me, is one of tax equity and equal treatment to all citizens in this country and in this state.

When this state enacted a state income tax, it was regressive. When this state enacted a sales tax, it was and still is regressive. When this state imposed a registration fee upon vehicles, it was and is regressive. That, I think, in part represents the philosophy of my party and one that I am happy to represent.

One of the things that the last tax increase did in the 107th Maine Legislature was to move this state closer to every other state in the country. If you doubt my words, I would suggest that you take a look at an article that appeared in the Portland newspaper under the byline of Frank Sleeper, which appeared in a February Maine Sunday Telegram, which demonstrates very clearly, and I quote: "It appears obvious that some tax reform in Maine is needed which will aid the lower income family more than it is now being aided." That, to me, represents the philosophy that we have taken in this tax program.

It is easy, I am sure, to throw coals into a program, as the gentleman from Nobleboro, Mr. Palmer, has done by saying it is difficult to administer and it is going to cost money. I will say to the gentleman from Nobleboro, it was difficult for this state to absorb the loss that occurred when we switched the burden from the property taxpayer, or attempted to, by increasing the corporate tax and the shift with the inventory tax. That burden was borne by the taxpayer, the property taxpayer at the local level, and the more industry you have and the more inventory you have, the greater the burden upon the rest of the property tax owners in that municipality. I supported that approach because I thought it provided equity. This program represents an additional move to provide equity.

I will point out to you that of the 403,000 tax returns filed for 1976 in this state, over 50 percent reported incomes under \$10,000, and roughly 90 percent of them reported incomes under \$20,000. Yet, if you look at who was paying the taxes and what percentage, you will find that the shift is in the opposite direction.

I must, I guess, Mr. Speaker and members of the House, congratulate the members of the Republican Party for in part accepting Democratic proposals which have been sponsored during this session, some even by Republicans during this session and past sessions to attempt to provide equity in the sales tax approach, because that moves in the right direction.

The gentleman from Nobleboro suggests that the founder of the Republican Party would have been pleased today as he watched the role of the Nobleboro Republican. I think that gentleman would have been shocked to see what is going on, because that founder, that great American, was interested in equity which is not demonstrated in the Republican program.

Finally, I would like to close with perhaps not too much rhetoric, but at least to provide, I think, all of us something to think about as we go home this weekend. As this package moves to the other end of the hall, it gives all of us an opportunity to reflect about what we really want to do, and this is my biggest concern.

There are those who suggested to me that the Democrats have been caught at their own game. I believe the gentleman from Nobleboro used other works which I will not use today. Some people have suggested that this was an

agreement that was worked out between the gentleman from Nobleboro and the Governor. Some people have suggested that the Democratic plan is one of those which helps only the poor. Some have suggested that perhaps what we are really going to do is to bat this around and make political hay for everyone. Some have suggested that what we really are doing is creating a platform for a Republican primary or a Democratic primary, and I would simply like to close by saying that if we, as members of this Legislature, have the interest of the people of the state at heart and not our own political fortunes, then a package will result and will not simply be batted from one end of the hall to the other. And, oh, I remember it well, the Hay Report. For those of you who weren't here, I would be more than happy to relive it for you. I would hope that that is not what we are beginning. I would hope that if we wish to have tax relief for the citizens of Maine, that we will provide it. I would hope that if we really have an interest in the people that we represent, that we will give them something and that we will attempt to make it as equal as possible for all the citizens of this state, and not for just a few.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair wishes to thank the gentleman from Lisbon Falls, Mr. Tierney, for acting as Speaker pro tem.

Thereupon, Mr. Tierney returned to his seat on the floor and Speaker Martin resumed the Chair.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I suppose I shouldn't be speaking; I am not on the Taxation Committee, I don't have a lot of statistics, but I have always been told that you can do anything you want to with statistics. I would gather, from listening to some of the talk here, that the philosophy of the Democratic Party is to help those who have the least. So I am going to gear in on the one on the left because I rent houses for a living, and the only reason a person rents a house, as a rule, is because he can't afford to buy one. It used to be, when I was first renting houses, that we had very few people in houses who had children over one or two years old. They got married, had a couple of children and they bought a house and they went on their way. But not I recognize many many of the children that are graduating from high school and I recognize their names out in the service and other place because those people have been boxed in. They go out to buy a house and they tell me, I want to buy a house. Then they come back and say, I am sorry, I couldn't swing it. The payments were over \$200 a month, so we will pay you the \$116 a month rent which you charge because that is all we can afford.

I read in this bill that you want to give the homeowner \$30 and want to give this poor person who can't afford a house only \$20. It seems to me that is opposite of the philosophy which you have been expousing.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: As the Republican Party floor leader and Mr. Tierney have so described the tax package, there is just a difference in whether we are going to be spending ten or twelve million dollars. I think the point of interest that I can accept and the philosophy of returning dollars back to our respective constituents is the homestead exemption. It is an idea that has kicked around here long before I ever became a member, and I have been a member of this body since 1969.

I would just like to comment to my good friend from Bangor, Mr. Tarbell, on one point. Under the homestead exemption, you are going

to be reaching somewhere in the area of 320,000 homeowners, and renters, you are going to be in the area of 72,000. If you combine these figures and you consider the amount of money that is being returned in the homestead exemption proposal that is offered in the Democratic Plan, I submit that each and every one of you should take a good long, hard look at the proposal that the opposite party is presenting, and can you say that you are reaching the same amount of people with the same amount of dollars? Of course you can't.

Every single homeowner in Lewiston or Nobleboro, Eagle Lake, Portland and in Bangor is eligible for a reimbursement — every single homeowner, in every one of your respective communities and every single renter. You think about that.

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

Mr. WILFONG: Mr. Speaker and Members of the House: I am going to rise today to support, of course, the Democratic proposal because I think it also is the most equitable proposal that we have seen so far.

I have heard for many, many years how we are going to have tax reform. I have heard it on the national level and I have heard it on the state level, but rarely do we see tax reform. This package offers tax reform. It is not exactly the package that I wanted to see. I wanted to see more tax reform in the area of property tax. I wanted to see more money go back to the homestead, back to the property tax payers of this state, but this package is equitable in terms of whom it provides tax relief for, and that is for many, many, many people, the overwhelming majority of the people in this state. Everybody gets a slice of the pie from the residential electricity users, they get a slice, there aren't many people in this state who don't use electricity. The people who use gas for cooking and heating, they get a slice. The people who drink water and have to buy water from a water company, they get a slice. The people are in agriculture and the people who sell agricultural equipment and fishing and equipment and logging equipment, I represent all of those people, with the exception of the fishing people.

It is going to help who sell farm equipment over around where I live because people aren't going to be going across the border into New Hampshire to save the sales tax, so it is going to help stimulate business in my area in terms of logging and farming equipment.

The thing I am really the most interested in, however, is helping the people who are trying to make the American dream work, because part of the American dream to me is being able to own your own house, being able to have a place to live. It becomes more and more difficult every year to do that. The thing that was important to me when we started to work and put this package together was that we provided more equity for the people who own houses and are trying to make their way and trying to provide shelter for their families. The \$10 million property tax rebate does that.

As Mr. Stover pointed out, it doesn't help the people who can least afford it. He helps people no matter how much money they make, and I think that is fair and equitable. It doesn't say that because you make \$50,000 you are going to get X-amount of dollars back and if you make \$5,000 you are going to get X-amount of dollars back, it says if you own a house or you rent a house, you are going to get \$30 or \$20 respectively, and that is important.

We are sent here to represent the majority of the people in this state and not the minority. I have political fellows back home tell me "Jim, you really don't believe that do you? You are not supposed to represent the majority." So I have tried to follow that philosophy of representing the majority since I first started running and first started coming down here, and I think by voting for this piece of legislation, we are truly going to be voting for the majority of



the people in this state and it is going to be an equitable piece of tax reform.

I would hope that you would put partisan rhetoric aside and support the Majority Report of the Taxation Committee.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: With only nine legislative days remaining, I move the question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the previous question being entertained now will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable by any member for five minutes.

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

Mr. GARSOE: Mr. Speaker, if I could quote the distinguished gentleman from Lewiston the other day, this motion is being made entirely too frequently and I hope we will not vote to cut off debate.

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

Mr. GREEN: Mr. Speaker, I would just like to concur with the gentleman from Cumberland, Mr. Garsoe. This is an extremely complicated, important issue, and I would hope that the House would not cut off debate at this point.

The SPEAKER: The pending question is, shall the main question be put now? All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

14 having voted in the affirmative and 81 having voted in the negative, the main question was not ordered.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: My good friend in the corner, Mr. Palmer from Nobleboro, began his talk referring to the great Emancipator, Abraham Lincoln. Mr. Tarbell from Bangor, who has for two years now sponsored an order remembering Lincoln's birthday, the Speaker of the House, the gentleman from Eagle Lake, referred to the great Emancipator in this question of whether we are going to have tax equity or whose plan is best. I would just like to read a quote from Abraham Lincoln from this book my seatmate just happens to have with him. Abraham Lincoln said in 1865, Mr. Palmer, "I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. As a result of the war, corporations have been enthroned and the era of corruption in high places will follow and the money power of the country will endeavor to prolong its reign by working on the prejudices of the people until all wealth is gathered into a few hands and the republic is destroyed. I affirm it as my conviction that class laws placing capital over labor are more dangerous to the republic at this hour than was slavery in the days of the haughty supremacy. I feel at this moment more anxiety for the safety of my country than ever before, even in the midst of war."

After listening to that great prophet of the Republican party and listening to the Republicans in this House, I couldn't help but think that if that marvelous picture that is hanging in the other chamber on the right-hand wall as you walk in of Abraham Lincoln were in here today, its hands would be over its face.

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

Mr. HALL: Mr. Speaker and Members of the

House: Just to clarify a statement I made, and sometimes I do make mistakes in my speaking, what I meant was that a fifth of the returns I got were the ones that only wanted a rebate in their income tax. The rest all said go with some form of relief on the property tax. If I made an error in that, I am sorry, but that is what I meant.

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

Mr. VALENTINE: Mr. Speaker Men and Women of the House: In listening to the debate this afternoon and thinking about a number of things, and when the gentleman from Old Town, Mr. Pearson, spoke a few minutes ago and mentioned popular prejudices, a thought came to my mind. I realize that we are faced with some very distinct philosophical differences, very distinctly partisan philosophical difference, and I don't know whether any of the remarks I may make shortly will influence any of the members of the Republican Party or even possibly some of those in the Democratic Party, but I will try it anyway.

When the good gentleman from Nobleboro, Mr. Palmer, was reading some of his quotes, I had to agree that you don't necessarily bring up the poor by bringing down the rich, and I would certainly agree with him and with the Republican philosophy and I think what is basically a Democratic philosophy, that it is not wise to institute programs and policies and tax structures that destroy individual initiative, incentives and encourage laziness and reward laziness, certainly not.

I think one of the basic questions when we were talking about the distribution of these funds is, first of all, when we are talking about the rich and the poor, I don't want to get into a deep philosophical argument, but the question that strikes me always is, why are there rich and why are there poor in the first place? And one of the popular prejudices is that I hear all the time from whether it is rich, poor, Republican, Democrat, anybody, is that who are rich are rich because they work hard and those who are poor are poor because they don't work hard. I am going to draw upon some personal experiences here and maybe try to make a point.

In 1971, that was my last full year of active duty in the Air Force. Financially speaking, I was very fortunate. I was a Captain, had over four years longevity and was on flying status for Southeast Asia, which means I made combat pay, got a tax exemption on the first \$500 of my taxable income, also received per diem pay. That year, my take-home cash was just under \$15,000. That was in 1971. If you look at the tax charts for a single person, that cranks out to about a \$22,000 gross, and in 1978 dollars, that is more like about \$30,000. So as a young fellow of about 26 or 27 years old, I was fairly well off. I have also had other years where I have turned in tax returns where my gross income for the year was about \$1,800. That was the year following that very high year.

I have worked at a variety of things, some of which has paid very well. I was an engineer for the Navy for awhile; that paid very well. I have worked on political campaigns that paid anywhere from nothing to a reasonable amount, and one of the things that sticks in my mind through all of this is that I don't recall there was any relationship whatsoever between the amount of work I did, the difficulty of the work or how hard I worked and my income, no relationship whatsoever. That is a popular myth that I think the good gentleman from the lower right-hand corner was referring to earlier, this myth about incomes levels and about the idea that those who paid in should be the ones to get the money back, and I still question that basic bottom line of why some people should receive more and some people should receive less.

To make it more direct and a fairer comparison, during one of the campaigns I worked on, I

had the opportunity to travel through virtually every shoe factory, every textile mill, every poultry business, every pulp and paper mill in the State of Maine, and I saw a lot of similarities in terms of the work being performed. I also found it very interesting that those who worked in the shoe factory, performing very hard work, got \$3 an hour and those who worked in a textile mill, doing maybe essentially the same work in terms of difficulty, received \$7 an hour. What I am trying to say is, there are a lot of inequities in our system in this country and in this state in terms of the reward we receive for the tasks we perform. I think most of us here in this particular room would feel that we are very much underpaid for the amount of effort that we put in, but we are here voluntarily, nobody has forced us to be here. We have the choice not to be here.

What I am trying to say is that I think the proposal that the Democrats have put forth, and I realize I am a Democrat and it is very partisan, I think is a much fairer way of delivering some kind of relief to everybody as opposed to a program that delivers a certain relief to a certain few.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I am as concerned as anybody about the property tax and the burden it places on people all across the state. I have been in touch with people in Waterville who have real problems paying their property tax. They don't have large incomes. Their property tax burden is really excessive, and I understand that problem.

The problem I have here with the provision of giving everybody \$20 or \$30, depending on whether or not they own the home or rent the home, first of all, I am basically against giving some people I know in Waterville \$30. There are some people in Waterville who make forty of fifty thousand dollars a year. For them, the property tax is not regressive. If the objective here is to reduce the burden, we surely are not reducing the burden by giving some of those people that I know \$30; no way are we reducing the burden on those people. I would have thought that if the Democratic Party really wanted to reduce the burden on those people who can't afford to pay, they would have put some provision in this bill to make sure that the money that is going to be returned actually goes to the people whose incomes are forcing them in the position where they are having problems with their property tax. I just can't see giving everybody who owns a home in this state \$30, because for a lot of those people, the property tax is not regressive. It would be much more compatible if the money were going to those people in a certain income group who are having problems paying their property tax. I just can't see giving it to some people who are making, as Mr. Tierney said, thirty or forty or fifty thousand — \$30 to them, the utility of that \$30 probably isn't very great. If the objective is to reduce the burden, and none of us are against that, I would think that the Democratic Party would make provisions in the bill to do just that and make sure those people having problems because of their income get the money that they want to dish out.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I have got to get my two-cents worth in on this one. As I understand it, Representative Boudreau is against giving someone making \$50,000 roughly \$35 back on the property tax, but then I would like to ask him if he is for the Republican plan, does he want to give them \$125 back on the income tax?

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, has posed a question to the gentleman from Waterville, Mr. Boudreau, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: Yes, I am for the Republican plan. I never said I was against the income tax provision. I think, though, that some of the arguments being used in favor of the plan to give people \$20 or \$30, I really think if the objective is to reduce the burden of those people who can't afford to pay a property tax, there should be some income guidelines.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have been here four years now and I am truly, sincerely, very disappointed with what I am seeing here this afternoon. I have never seen one issue been so down the line because people are hurt, because pride is hurt, and we, ladies and gentlemen, are not doing justice that we are sent up here for. We are attacking each other. We are not dealing completely with the issue, and sometimes when people's pride is hurt, they make the wrong decisions, and I am very disappointed this afternoon to see this take place in this great body. I have a lot of respect for every member in this House, and this afternoon I would hate to see you lose the dignity and the respect that the people have for this House.

I am sure that both suggestions are so close together that two people could sit down and agree on it, and when different people get up, I can tell you before they even speak, and so can you, and to use this House as a political stepping stone is the greatest injustice that you will ever do.

Mr. Tierney of Lisbon Falls 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 pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, I would like to pair my vote with Mr. Peakes of Dexter. If Representative Peakes were here, he would be voting yes and I would be voting no.

#### ROLL CALL

YEA: — Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brennerman, Brown, K.C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Dutremble, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Hickey, Hobbins, Howe, Hughes, Jalbert, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lizotte, Locke, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Paul, Pearson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Spencer, Talbot, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Tiolette, Wilfong, Wood, Wyman Mr. Speaker.

NAY: — Ault, Austin, Bagley, Birt, Boudreau, P.; Brown, K.L.; Bunker, Carter, F.; Churchill, Connors, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kane, Lewis, Littlefield, Lougee, Lunt, Mackel, Marshall, Masterman, Masterton, McBreairty, McMahon, McPherson, Morton, Norris, Palmer, Peltier, Perkins, Peterson, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Whittimore.

ABSENT — Henderson, Laffin.

PAIRED — Aloupis, Peakes.

Yes, 82; No, 60; Absent, 7; Paired, 2.

The SPEAKER: Eighty-two having voted in the affirmative and sixty in the negative, with seven being absent and two paired, the motion does prevail.

Thereupon, the Bill was read once.

Under suspension of the rules, the Bill was read a second time.

Mr. Carey of Waterville offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-1139) was read by the Clerk.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: If this House or the Senate were to adopt either of the Minority or the Majority Reports, both had drafting flaws in them, both put some of the proposed sections in conflict with existing laws, so we have to offer this house cleaning amendment which has, at least to my knowledge, no price tag, it cleans up the mechanics. Had 2183 been accepted, then it was my understanding that Mr. Mackel would have offered the same amendment in relation to that particular package.

Thereupon, House Amendment "D" was adopted.

Mr. Mackel of Wells offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1135) was read by the Clerk.

The SPEAKER: The chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: This amendment provides a one-time credit for personal income taxes paid of up to \$25 in 1978, income taxes which would be accounted for on the individual returns filed in 1979. I should point out to you, as should be apparent, that the price tag on it is \$6.7 million.

I am offering this amendment without any illusions about the outcome of the amendment but I do believe that L. D. 2184 provides a form of tax relief for a broad cross-section of the Maine citizens, that is, it provides tax relief to the elderly, sales tax exemptions for electricity, residential gas, residential water to farmers, fishermen, loggers and to others, but it does not specifically identify and provide relief to the one all important income tax payer. That is the extent of my remarks and I would ask for a roll call vote on this issue.

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

Mr. CAREY: Mr. Speaker, I would move to indefinite postponement of House Amendment "A".

This is an attempt to try to make the Republican package a part of the Democratic package, and I would only point out that it raises the cost of L. D. 2184 from \$17.4 million up to \$24 million and, therefore, further erodes our efforts to try to leave something in the kitty for collective bargaining, as well as other needs in the state.

Interestingly enough, Mr. Speaker, there is one portion of this budget that belongs to a particular individual in the other body, and he asked for \$125,000 in this bill. He appeared before our committee, the hearing was very well accepted, and this is the income tax credit on retirement income and it has a cost of \$125,000. This would be deleted from this package and substituted with a \$25 rebate totaling \$6.7 million, and I would be very interested in finding out how the gentleman from Waterville, Mr. Boudreau, would vote on this, because it would also affect those people with over \$50,000 of income.

Mr. Mackel of Wells requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think Representative Mackel perhaps gave a little bit of a wrong indication when he said that this particular amendment will provide help to a whole group of people who are not presently getting assistance under the Democratic proposal—the income taxpayer. The only kind of person that this particular amendment will help that is not already getting assistance under the proposal that we have already accepted is that income taxpayer who does not rent a place in the State of Maine or does not own a homestead. The kind of person that that individual might be, for instance, is somebody who comes up here in the summer, works for four or five months and then goes back to Massachusetts. The Democratic plan does not help that kind of individual; this amendment does.

Any income taxpayer who either pays rent in the State of Maine or pays property taxes in the State of Maine is helped under the proposal without this amendment.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Dexter, Diamond, Dow, Dudley, Dutremble, Elias, Flangan, Fowlie, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Hickey, Higgins, Hobbins, Howe, Hughes, Jalbert, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McKean, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paul, Pearson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Spencer, Strout, Stubbs, Talbot, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker

NAY — Aloupis, Austin, Bagley, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Churchill, Connors, Cunningham, Devoe, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Huber, Hunter, Hutchings, Immonen, Jackson, Kane, Lewis, Littlefield, Lougee, Lunt, Mackel, Marshall, Masterman, Masterton, McBreairty, McHenry, McPherson, Norris, Palmer, Peltier, Perkins, Peterson, Sewall, Shute, Silsby, Smith, Sprowl, Tarbell, Tarr, Teague, Torrey, Whittimore.

ABSENT — Henderson, Jacques, McMahon, Moody, Najarian, Peakes, Theriault, Tyndale

Yes, 90; No, 52; Absent, 9.

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

Mr. Carter of Bangor offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1137) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment extends the tax relief provided by L. D. 2184 to individuals and corporations in the form of rate relief. I would like to clarify the proposed tax reduction for corporations. When the corporate rate was increased, and I believe this was in 1974, to 5 percent from 4 percent, this was not a 1 percent increase, as has been suggested, it was a 25 percent increase. Now we are proposing a 2 percent decrease from the increased amount.

Regarding the rate relief for the individual income taxpayers, I would stress again that our tax rates are being increased all out of proportion to the rate of inflation. Other taxes, such as sales tax and property tax are, indeed, increasing, but this increase is in proportion to the rate of inflation. It is for this reason that I am favoring income tax relief today.

Mr. Speaker, when the vote is taken I request the yeas and nays.

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

Mr. CAREY: Mr. Speaker, I would move indefinite postponement of House Amendment "B".

House Amendment "B", for those of you that can't find it on your desks, is a 4 percent income tax credit. It is also a 2 percent corporate income tax credit. It has a price tag of just under \$6 million and it would leave in the neighborhood of \$4 million in the unappropriated surplus, which is, as you all know, well below what might be needed for collective bargaining, among other things, and I would certainly hope that you would support the motion to indefinitely postpone.

Mr. Carter of Bangor requested a roll call.

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

A vot 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 in on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Beniot, Berry, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Dexter, Diamond, Dow, Dudley, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Hickey, Hobbins, Hoew, Hughes, Jalbert, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Mynch, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paul, Pearson, Plourde, Post, Prescott, Quinn, Raymond, Rollins, Spencer, Strout, Stubbs, Talbot, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker

NAY — Aloupis, Ault, Austin, Bagley, Berube, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Cunningham, Devoe, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kane, Lewis, Littlefield, Lougee, Lunt, Mackel, Marshall, Masterman, Masterton, McBreairey, McPherson, Norris, Palmer, Peltier, Perkins, Peterson, Rideout, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Tarbell, Tarr, Teague, Torrey, Whittemore

ABSENT — Dutremble, Henderson, Jacques, McMahon, Mills, Moody, Najarian, Peakes, Theriault, Tyndale

Yes, 85; No, 56; Absent, 10.

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

Mr. Palmer of Nobleboro offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-1138) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: This House Amend-

ment "C" gets back, once again, to the jobs credit situation explained earlier in the proposal that we had this afternoon. It provides for one million dollars, and one million only, to stimulate people to create some new jobs here in the State of Maine. It seems to me that this is a reasonable request to add to the Majority Report — one million dollars to stimulate some new job programs here in the state.

I know the gentleman from Waterville is ready to move indefinite postponement, but before he does, I would like to say a word and just point out the fact that this one million adds only one million or under \$19 million in the full package, and I am sure we will leave enough for collective bargaining and all the other things we have been subjected to in the last five or ten minutes.

It seems to me, however, that we are talking here about a program that should be very appealing to the Democrats in this House, for it is a program, the same as that instituted by the President of the United States, and I am sure it would do a great deal for the economy of Maine, and I hope we will add this million to your package.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the comments that the gentleman from Nobleboro made, that I was about to stand up and move indefinite postponement of this bill. However, he has not reached the status yet of a mindreader. I think there is room in our package for an extra million dollars. We have left \$10 million in the till, and I would leave it up to the individual members of the House to decide if, in fact, \$9 million of an expended appropriation could carry us through collective bargaining. I believe that we may very well be able to do it and that this is an item that we may very well be able to buy.

I would concur with the gentleman that it will help some of our people. It would certainly help some of his at the other end, who are those who would get the relief. Ours, hopefully, would be getting the jobs.

Thereupon, House Amendment "C" was adopted.

The Bill was passed to be engrossed as amended by House Amendments "C" and "D" and sent up for concurrence.

#### Consent Calendar

##### First Day

(H. P. 2136) (L. D. 2158) RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (St. Regis Paper Company) Committee on Natural Resources reporting "Ought to Pass"

(H. P. 2043) (L. D. 2109) Bill "An Act Relating to Abandoned Property" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1136)

No objections having been noted at the end of the First Legislative Day, the above items were ordered to appear on the Consent Calendar of February 10, under listing of the Second Day.

#### Consent Calendar

##### Second Day

(H. P. 2064) (L. D. 2122) Bill "An Act to Clarify the Status of Intermittent State Employees" (C. "A" H-1131)

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

#### Passed to Be Engrossed

##### Amended Bill

Bill "An Act to Revise Maine's Aeronautics Laws" (H. P. 2055) (L. D. 2119) (C. "A" H-1132)

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

On motion of Mr. Masterman of Milo, 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 Amendment "A" to Committee Amendment "A" (H-1141) was read by the Clerk.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to offer House Amendment "A" to Committee Amendment "A" House Amendment "A" would delete so much of Committee Amendment "A" as to propose to lower the mill rates on aircraft. I offer this amendment knowing that the committee has worked long and hard on this bill and acknowledging that the committee's proposal of 9 mills to 3 mills, average equipped, may very well generate the same amount of total dollars as communities collectively now receive. However, I have within my jurisdiction officials who feel they collect, at this point in time, nearly all the aircraft excise taxes due their community, therefore, they feel that the proposed new collection techniques will not substantially enhance their collections and that lowering the mill rate will, in fact, lower the amount of money they now collect.

I understand that other officials from other communities with organized airports share this same concern. These same officials raise other concerns.

First, they cannot understand why the mill rate on a new aircraft should be lowered from 13 to 9 mills, when the starting excise tax on a new automobile is 24 mills.

Second, while they are aware of the fact that Maine taxes aircraft at a higher rate than almost any other state, they are concerned that a taxation question not be decided in isolation. Stated differently, if a person owns a home, a business, an automobile, an aircraft, etc., would his total tax burden be higher or lower in Maine than other states?

Third, they wonder why an aircraft which is, basically, an item of personal property, should be treated so much differently than other items of personal property, such as boats. A boat is taxed as personal property at whatever rate the community decides. Such a rate is usually much higher than the 13 mills, which is the maximum rate for aircraft at the present time.

Fourth, these officials state that they already put considerably more money into their airports than they receive from aircraft excise taxes.

Finally, I would like to comment on the position of the Maine Municipal Association in regard to the proposed 9 mills to 3 mill rate on average equipped aircraft. The MMA legislative policy committee had a meeting heavily attended by officials from all parts of the state and voted to oppose any reduction in the mill rate of aircraft excise taxes. On March 3, 1978, MMA reported this issue to its entire membership in their legislative bulletin, and this week, MMA staff has discussed this issue with officials from municipalities with organized airports from all part of the state. Those officials have expressed the desire to support the vote of the MMA legislative policy committee and to keep the present scale of aircraft excise taxes.

I had a note here from the town manager of Greenville, who talked with me this morning, at some length, on the telephone and I thought it was commendable that the little town of Greenville, with of all its problems, was able to operate their small airfield without asking the people of the town of Greenville for any tax money. They are operating their airfield on excise collections alone. They came into last year with a balance of \$4600. They collected \$2800 on excise taxes and on this amount of money, they were able to have ongoing program at that airfield. It is true there are some people in Greenville, who are more affluent

than some of the rest of us. Three of those gentlemen on their own built a hanger and if you and I were to fly in there and maybe collapse a landing gear of something, they can repair that there for us without towing it out or having parts shipped in. I just think that is commendable, that these backwoods people are able to maintain a good airport in this light.

One of the committee members told me this afternoon, and certainly I would never mention anyone's name, but he told me, he agreed with me 100 percent but he was going to oppose me on this. That doesn't seem like good philosophy to me.

I have heard others in this House say that they didn't like anything discriminatory. I have heard others say in this House that they like to protect the less affluent people. I have heard people say that they believe in local control and I think, this afternoon, that we are going to exercise just that vote.

I would ask support on this amendment and, when the vote is finally taken, I would ask that it be voted by the yeas and nays.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I now move indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Limerick, Mr. jCarroll, moves the indefinite postponement of House Amendment "A" to Committee Amendment "A".

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I am going to support the gentleman from Limerick, Mr. Carroll, this afternoon on this amendment.

In the deliberations with the committee, we spent a lot of time on the mill rate structure and between the Pilots Association and the MMA, we feel we came to a compromise, that we started from a high of 13 to a low of one. I would like to say that we have struck a median base here with a nine and three.

I would just like to make a few comments that what we have proposed in this L. D. is that all aircraft based in Maine are required to be registered with the Bureau of Aeronautics Aircraft registered with the state will be issued identifying insignia, in order to distinguish aircraft operating in the state that are not registered.

I would also say that the excise tax revision is not expected to reduce excise tax revenue. I think the committee agrees on this. We feel quite certain it is not going to reduce revenue and, in fact, the result may even be increased revenues for some municipalities.

Currently, 60 percent of the aircraft in Maine are registered, which means that owners of at least 40 percent of the aircraft do not pay an excise tax now. Since the bill is designed to register all aircraft in the state, thereby substantially increasing aircraft excise tax payments, revenues are expected to rise.

I would further like to say that Maine has the highest aircraft excise tax rates in New England and, as a result, it is more difficult for Maine to obtain compliance with the state's aeronautics law. By reducing the tax, compliance will be made easier.

I would like to say that the largest percentage of aircraft in the state does not fall in the 13 mill category. In my opinion, it falls down in the low mill category where we had the one mill and, by this bill having the low at three, I don't see any real problem in the municipalities.

I hope that you will support the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: We did have hours and hours of deliberation on this particular issue in our committee.

I would like to read you a comment by the

MMA, which was issued to the committee, and this is the same people that are now asking for a change. This is an MMA commentary; on an average equipped \$30,000 aircraft, the change from a 13 mill scale to the proposed nine mill scale should mean municipalities would come out even during the first five collection years that the collection success is near 100 percent. This is in MMA's own words, if anybody would care to check.

Because of the ramifications of the bill, we have high hopes and the fact that there be more law enforcement agencies in on identifying the aircrafts that are not now paying taxes, we have real good hopes that we are going to reach a success from 90 to 100 percent.

We are not promoting aircraft industry in this state by leaving our excise taxes the highest in New England, the highest in New England. Therefore, I would hope, in the interest of good economy, promoting business; that you would support the motion for indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman. Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit confused, because I just talked with MMA several times today, and what I have here is with their direction and help and my only intent is not to, at least as far as I am concerned, is not pass something for a favored few. In other words, the man who owns a new airplane, we are going to reduce him by 4 mills, and I can't believe that everyone in this House is going to buy that.

I would ask you to vote against the indefinite postponement.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion of the gentleman from Limerick, Mr. Carroll, to indefinitely postpone this amendment.

The Transportation Committee took up this bill for the first time last year. We debated it at some length, sent it to the floor of the House and the bill was finally killed between the two bodies. The problem was, there wasn't enough debate and there wasn't enough study done on the bill itself.

A committee study order was put out, we spend time over the summer, we spent time in the fall, we have spent endless hours within committee since this legislative session began.

Now, the real question that was involved at the end of the discussion period within committee, was the mill rate. We have gone through, made the changes necessary, the bill is a total revision of the aeronautical laws of the State of Maine. What we have done it, we have taken a system under the current law which says that airplanes pay at 12 mills down to 3 mills over a period of, I believe it is 5 years. What we have done, we have changed that from a maximum of 9 mills for a brand new aircraft to 3 mills after three years. On the surface, that sounds like we are going to cut the revenues going to the towns and cities for excise taxes.

Let's look a little bit closer. First of all, the gentleman from Corinth, Mr. Strout, was inaccurate. He said 60 percent of the planes in the State of Maine are registered. That was an early figure, that was an inaccurate figure. The fact is that 50.2 percent of the aircraft in the State of Maine are registered, which means that you are only getting half of the excise tax that the towns actually ought to be collecting, number one.

Number two, you have a situation where the law is very unclear. The town and city clerks throughout the State of Maine do not know if you are talking about an average equipped airplane or a stripped down airplane. The law is very vague on that. It is difficult to tell and you have town clerks doing it both ways. It doesn't sound like much. It means 25 percent of the cost of an aircraft; that is a pretty substantial

amount.

Furthermore, let's look at what the actual effect of this tax is. Under current law, you have 13 mills down to 3 mills. Let's take a \$30,000 aircraft, the first year it pays \$390; the second year, \$330; the third year, \$270; the fourth year, \$210; \$150 the fifth year, and \$90 a year thereafter. You spread that out to 10 years and you are talking \$1890 going to the town, but since only half of that is collected, only 50 percent of the aircraft are actually registered, you have got to talk approximately \$950 going to that town. Since the town may or may not be dealing with average equipped, you probably have got to knock off a couple of hundred dollars more, so let's say \$750, and that probably is pretty generous, you take the 9 mills to 3 mills, change it to average equipped, and get something in the neighborhood of 90 percent collection, and that is what we are going to get under the law that we are proposing.

There are a number of other enforcement and administrative changes which are going to give you somewhere in the neighborhood of 90 percent. Nine mills to 3 mills is going to give you over a 10 year period, \$1350. That is roughly double what is being collected right now. It seems to me that if you want to provide these bucks to actually go to the town and not simply say on paper that the town ought to get it, then you ought to vote to kill this amendment and pass the bill the way it is now. It seems to me, from working in committee, from seeing what occurred, if this bill goes to the other body, or for that matter goes through in this body in the form that is proposed by the gentleman from Milo, you are going to see the bill dying very quickly. What you are going to see at that point is, in fact, a continued low collection rate on the part of the towns. You are also going to have a situation where you have a fairly large number of laws in the State of Maine that are archaic, outdated, ignored and violated on a regular basis.

I would urge you to vote to kill this amendment.

Mr. Maxwell of Jay requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those oppose 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 Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make one more remark. I had one gentleman against this amendment I am offering this afternoon, who said yesterday, that he didn't like change for change sake but rather he liked change for improvement.

I would like to read to you the proposal that was first proposed, which Mr. Jensen has so ably presented to you, which would read "a sum equal of 9 mills on each dollar" so we might make some corrections on what was said, on each dollar of the maker's average equipped price for the first or current year of model, 7 mills for the second year, 5 mills for the third year 4 mills for the fourth year, and three mills for the fifth and succeeding years." What I am attempting to do is put it back where it was, because these people from the small airports that have talked with me, and I understand that Augusta is in this but I don't dare say for sure, I just heard the rumor that Augusta was in this same situation, but what this amendment I am presenting is is getting it back to where it was, which reads "to the sum equal of 13 mills on each dollar of the maker's list price for the first or current year of model; 11 mills for the second year; 9 mills for the third year; 7 mills for the fourth year; 5 mills for the fifth year and 3 mills for the sixth and

succeeding years." If you will notice the Statement of Fact, this amendment will preserve the excise tax mill rate on aircraft at the current level.

So, I submit to you that probably we should take a good look at this and not make change just for change sake alone.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: There are two points that I would like to make very quickly. It might be items of interest to you.

First of all, in Sanford, you have a factory that manufactures airplanes in Maine, quite a number of them. Many people don't realize that.

The second point I would like to make is, in addition to excise tax that planes pay in their local areas, they also pay, usually, \$15 a month to tie the airplane down, which goes to the municipalities.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, as you know this morning, if you were in here, I asked about this bill because I was at a service club last night and a group of people that are involved in aviation were there and were very concerned about this bill.

I have talked to the member of the committee and our problem there is, of course, that this is a private airport and we get nothing. Of course, these gentlemen are perfectly willing to pay their fair share but they don't think that they should pay over their fair share. So, I would hope that you would go with the committee this afternoon.

I am intrigued by my good friend who is presenting this amendment. He says, that it is not the MMA amendment but; if it isn't, he certainly has a lot of influence with then because their lobbyist has already lobbied me to go for it.

Mr. Masterman of Milo was granted permission to speak a third time.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry if I inferred that it wasn't MMA's direction. I am sure that it will show up in the record that I called attention that this was under the direction of MMA and I have been constantly, several times with them today for direction.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Bachrach, Beaulieu, Bennett, Berry, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Carey, Carroll, Carter, D.; Chonko, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Diamond, Dow, Drinkwater, Dudley, Elias, Fowlie, Garsoe, Goodwin, K.; Green, Greenlaw, Higgins, Howe, Hughes, Jackson, Jensen, Kane, Kany, Kelleher, Kerry, LaPlante, Lizotte, Locke, Lunt, Lynch, MacEachern, Mahany, McHenry, McKean, Mitchell, Nadeau, Nelson, N.; Norris, Pearson, Plourde, Prescott, Quinn, Raymond, Sewall, Shute, Smith, Spencer, Sprowl, Stover, Strout, Tarr, Teague, Tierney, Torrey, Tozier, Truman, Truman, Valenitne, Violette, Wood

NAY — Aloupis, Ault, Bagley, Bennett, Brown, K. L.; Burns, Bustin, Carter, F.; Churchill, Devoe, Dexter, Durgin, Fenlason, Gillis, Gould, Gray, Hall, Hickey, Hobbs, Huber, Hunter, Immonen, Joyce, Kilcoyne, Lewis, Littlefield, Lougee, Mackel, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McPherson, Morton, Najarian, Nelson, M.; Paul, Peltier, Peterson, Post, Rideout, Rollins, Stubbs, Tarbell, Twitchell, Wilfong, Wyman

ABSENT — Biron, Bunker, Carrier, Dutremble, Flanagan, Gill, Goodwin, H.; Henderson, Hutchings, Jacques, Jalbert, Laffin, McMahon, Mills, Moody, Palmer, Peakes, Perkins, Silsby, Talbot, Theriault, Tyndale, Whittemore  
Yes, 78; No, 49; Absent, 23.

The SPEAKER: Seventy-eight having voted in the affirmative and forth-nine in the negative, with twenty-three being absent, the motion does prevail.

Thereupon, Committee Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

The following papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

The following Joint Order, an Expression of Legislative Sentiment Recognizing that:

#### The New England Section Society of American Foresters

An organization founded in 1900 to advance the science, technology, education and practice of professional forestry, will hold its 58th annual meeting in Portland from March 8th to March 10th (S. P. 735)

Came from the Senate Read and Passed.

In the House, the Order was read.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take a moment to acknowledge this Joint Order concerning the 58th annual meeting of the New England Section — Society of American Foresters that is now being held in Portland and express some appreciation to this group of individuals who convert our valuable natural resource into a source of continuing economic stability for the people of this state.

The State of Maine is blessed by having 90 percent of its land base under forest cover. This is so even after 250 years of continuous forest enterprise. Much of this good fortune is the result of our climate and soil, and we have a good environment for producing continuing crop of trees. However, nature alone is not a hundred percent responsible for the health and productivity of the forests which we are growing around us and since the turn of the century, this forestry has become a respected, scientific discipline and it is because of these dedicated people that many depleted areas are now producing.

This body of professionals is a great asset to us and we wish to extend our greetings and say that we are please that they are now meeting in Portland.

Thereupon, the Order received passage in concurrence.

#### Ought to Pass in New Draft

Committee on Education on Bill "An Act Relating to Post-graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine" (S. P. 626) (L. D. 1958) reporting "Ought to Pass" in New Draft (S. P. 732) (L. D. 2177)

Came from the Senate with the Report Read and Accepted and the New Draft Passed to be Engrossed.

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

#### Non-Concurrent Matter

Bill "An Act to Establish a Uniform Confidentiality Statute for Tax Information and to Update the Maine Income Tax Law with Respect to the Internal Revenue Code" (H. P. 1952) (L. D. 2031) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-1111) in the House on March 6, 1978.

Came from the Senate, Passed to be En-

grossed as Amended by Committee Amendment "A" (H-1111) and Senate Amendment "A" (S-526) in non-concurrence.

In the House:

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

Mr. CAREY: Mr. Speaker, I would move indefinite postponement of Senate Amendment "A".

The SPEAKER: Does the gentleman wish to keep Committee Amendment "A" in tact with the Bill? I would suggest he adhere.

Thereupon, on motion of Mr. Carey of Waterville, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

Bill "An Act to Lower the Costs of Medical Malpractice Arbitration" (Emergency) (H. P. 1964) (L. D. 2051) on which Report "A" "Ought to Pass" as Amended by Committee Amendment "A" (H-1120) of the Committee on Judiciary was read and accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-1120) in the House on March 7, 1978.

Came from the Senate, with Report "B" "Ought to Pass" as Amended by Committee Amendment "B" (H-1121) of the Committee on Judiciary Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "B" (H-1121) in non-concurrence.

In the House: On motion of Mr. Norris of Brewer, the House voted to recede and concur.

#### House Reports of Committees

##### Leave to Withdraw

Mr. Morton from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association" (Emergency) (H. P. 2183) (L. D. 2165) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### Consent Calendar

##### First Day

(H. P. 2200) (L. D. 2179) Bill "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

No objections having been noted, under suspension of the rules, the Bill was given its Second Day Consent Calendar notification.

The Bill was passed to be engrossed and sent up for concurrence pursuant to Consent Calendar rules.

#### Passed to Be Enacted

"An Act to Require the Judicial Department to Reimburse Counties Quarterly for the Expenses of Bailiffs and Other Court and Jury Officers" (H. P. 2110) (L. D. 2143) (C. "A" H-1109)

"An Act to Amend the Charitable Solicitations Act to Change the Responsibilities of Religious and Small Organizations" (H. P. 2015) (L. D. 2090) (C. "A" H-1100)

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

The Chair laid before the House the following matter:

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Taxation on Bill "An Act to Reduce the Current Maine Individual Income Tax Rates" (H. P. 2035) (L. D. 2099) which was tabled earlier in the day and later today assigned pending acceptance of either Report.

On motion of Mr. Carey of Waterville, the

Majority "Ought Not to Pass" Report was accepted and sent up for concurrence. By unanimous consent, sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Hall of Sangerville, Adjourned until nine-thirty tomorrow morning.