

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

*One Hundred and Third  
Legislature*

**OF THE**

**STATE OF MAINE**

**Volume II**

**May 10 to June 15, 1967**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**HOUSE**

Tuesday, June 6, 1967

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

Prayer by the Rev. Mr. George Whittier of Augusta.

The journal of yesterday was read and approved.

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Relieve Elderly Persons from Increases in the Property Tax" (H. P. 953) (L. D. 1384) reporting that the House recede from passage to be engrossed as amended by House Amendment "A", recede from adoption of House Amendment "A", indefinitely postpone House Amendment "A", adopt Conference Committee Amendment "A" submitted therewith, and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede from passage to be engrossed as amended by House Amendment "A" and Senate Amendment "A", recede from adoption of House Amendment "A" and Senate Amendment "A" and indefinitely postpone the Amendments, adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

(Signed)

**PHILBROOK**

Of South Portland

**McMANN** of Bath

**COTTRELL** of Portland

— Committee on part of House.

**FERGUSON** of Oxford

**CURTIS** of Penobscot

**HARDING** of Aroostook

— Committee on part of Senate.

Report was read and accepted. The House receded from passage to be engrossed and from adoption of House Amendment "A". House Amendment "A" was indefinitely postponed.

Conference Committee Amendment "A" was read by the Clerk as follows:

**CONFERENCE COMMITTEE AMENDMENT "A" to H. P. 953, L. D. 1384, Bill, "An Act to Relieve Elderly Persons from Increases in the Property Tax."**

Amend said Bill by striking out all of subsections 3 and 4 of that part designated "§ 658," (same in L. D. 1384) and inserting in place thereof the following:

**'3. Ownership, residency. The person claiming abatement shall have been a resident of the State of Maine for at least 10 years.**

**4. Single family dwelling. A claim for abatement can only be made for a single family dwelling which is occupied as the domicile of the person claiming abatement.'**

Further amend said Bill by striking out all of subsections 7 and 8 of that part designated "§ 658" (same in L. D. 1384) and inserting in place thereof the following:

**'7. Claims filed. Any person who desires to secure abatement under this section shall make a written application and file notarized written proof of entitlement on or before the first day of April, annually, with the municipal assessors. Refusal to so apply and file shall constitute adequate reason for denial of such abatement. Any person signing a false claim shall be guilty of a misdemeanor and punished by a fine of not more than \$500. The State of Maine or municipality shall have the right to recover any amounts which shall have been unlawfully abated.**

**8. Annually. Claims for abatement shall be made annually and solely upon forms as prescribed by the State Tax Assessor.'**

Further amend said Bill by inserting before the last paragraph (same in L. D. 1384) the following new subsections:

**'9. Fraudulent conveyance. No real estate conveyed to any person for the purpose of obtaining abatement under this section shall be so exempt, excepting property conveyed between husband and wife, and the obtaining of such abatement by means of fraudulent conveyance shall be punishable by a fine of not less than \$500 or not more than 10 times the amount of the taxes evaded by such fraudulent conveyance, whichever amount is greater.**

**10. Claims by municipalities. Any municipality granting abatements under this section shall have a valid claim against the State to recover the taxes lost by reason of such abatements, upon proof of the facts in form satisfactory to the Commissioner of Finance and Administration. Such claims shall be presented to the Legislature next convening.**

Further amend said Bill by adding at the end a new section, as follows:

**'Sec. 2. Effective date.** This Act shall be effective only for the calendar year 1968.'

Conference Committee Amendment "A" was adopted, and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

**Papers from the Senate  
Reports of Committees  
Ought to Pass with  
Committee Amendment**

Report of the Committee on Education on Bill "An Act Creating the Maine Higher Education Development Authority" (S. P. 495) (L. D. 1257) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of the Committee on Judiciary on Bill "An Act relating to Foreclosure of Bonds for Deeds and Contracts for Sale of Real Estate" (S. P. 336) (L. D. 869) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, Reports were read and accepted in concurrence and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bills.

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act

Providing a Bond Issue in the Amount of Fifty-nine Thousand Dollars for Constructing a Day School in Central Maine for the Mentally Retarded" (S. P. 466) (L. D. 1158)

Report was signed by the following members:

Messrs. BERRY of Cumberland  
DUQUETTE of York  
— of the Senate

Messrs. BRAGDON of Perham  
DUNN of Denmark  
BIRT of East Millinocket  
HINDS of South Portland  
SCRIBNER of Portland  
— of the House

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

Report was signed by the following members:

Mr. ALBAIR of Aroostook  
— of the Senate

Messrs. HUMPHREY of Augusta  
JALBERT of Lewiston  
— of the House

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

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Humphrey.

Mr. HUMPHREY: Mr. Speaker, I move that we concur with the Senate.

The SPEAKER: The gentleman from Augusta Mr. Humphrey, moves that the House accept the Minority "Ought to pass" Report in concurrence.

The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Members of the House: I hope that the House would think this over a little bit before they do accept the Minority Report. Two years ago we did this same thing in Aroostook County. They started a Day School for the mentally retarded and this year we have a bill on the way through for almost \$200,000 to make it into a residence school. This is just a start. This would work the same and I hope you will not accept the ought to pass report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I voted two years ago for the beginning of this program in Aroostook County. The same argument was used then, that it was just a start. This fine program is going to continue in Aroostook County. I intend to vote for this program this morning. The gentleman from Denmark, Mr. Dunn, says again that this is just a start. Fine — it is just a start, a good start. I certainly hope that we will all go along concurring with the Senate according to the gentleman from Augusta, Mr. Humphrey's motion.

This is a very, very fine piece of legislation. While we are thinking about Tom, Dick and Harry, I think we should think a little bit wherein it concerns the deeply mentally retarded.

Mr. Dunn of Denmark then requested a vote.

The SPEAKER: A vote has been requested.

Thereupon, Mr. Jalbert of Lewiston requested a roll call.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, requests the yeas and nays. Is the House ready for the question?

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

Mr. BIRT: Mr. Speaker and Members of the House: I have had quite a bit of experience with programs of this type and how they have worked out. In quite a few areas in this State they have felt that this is a local responsibility, and I know that this is the way it has been faced up to at home, it has been faced up to in Rumford and Oxford County; it has been faced up to in at least one other area, Penobscot County. Presently legislation to allow county funds to be used on a matching basis, and I personally believe that this is an area that if this was started at a local level it's a much better approach than it is to attempt to do it at the state-wide level. And this was personally the reason why I had signed an "ought not to pass" on this.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Augusta, Mr. Humphrey, that the House accept the Minority "Ought to pass" Report in concurrence. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes and those opposed will vote no. The Chair opens the vote.

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 Augusta, Mr. Humphrey that the House accept the Minority "Ought to pass" Report on L. D. 1158 in concurrence. All of those in favor of accepting the Minority "Ought to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

### ROLL CALL

YEA — Baker, R. E.; Bedard, Belanger, Beliveau, Bernard, Binnette, Bourgoin, Bradstreet, Brennan, Brown, Burnham, Carey, Carrier, Carswell, Champagne, Conley, Cornell, Cote, Cottrell, Crockett, Crommett, Curran, Cushing, Dickinson, Drigotas, Eustis, Ewer, Farrington, Fecteau, Fortier, Foster, Fraser, Fuller, Gaudreau, Gauthier, Giroux, Hanson, B. B.; Hanson, P. K.; Harnois, Healy, Hennessy, Hoover, Humphrey, Hunter, Jalbert, Jameson, Keyte, Kyes, Lebel, Levesque, Lewin, Lewis, Lycette, Maddox, Martin, McMann, Miliano, Minkowsky, Nadeau, N. L.; Pendergast, Quimby, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robinson, Rocheleau, Ross, Scott, C. F.; Shaw, Snowe, P.; Soulas, Starbird, Townsend, Wheeler, White, Wight, Wood.

NAY — Allen, Baker, E. B.; Benson, Berman, Birt, Boudreau, Bragdon, Buck, Bunker, Clark, Cookson, Crosby, Dennett, Dunn, Durgin, Edwards, Evans, Gill,

Hall, Hanson, H. L.; Harriman, Hawes, Haynes, Henley, Hewes, Hichens, Huber, Immonen, Jannelle, Jewell, Kilroy, Lincoln, Littlefield, McNally, Mosher, Nadeau, J. F. R.; Pike, Porter, Prince, Quinn, Robertson, Sahagian, Scott, G. W.; Scribner, Snow, P. J.; Sullivan, Thompson, Trask, Truman, Waltz, Watts, Williams.

ABSENT — Carroll, Couture, D'Alfonso, Danton, Darey, Drummond, Dudley, Harvey, Hinds, Hodgkins, Meisner, Noyes, Payson, Philbrook, Roy, Sawyer, Shute, Susi, Tanguay.

Yes, 78; No, 52; Absent, 19.

The SPEAKER: Seventy-eight having voted in the affirmative and fifty-two in the negative, the motion to accept the Minority "Ought to pass" Report does prevail.

Thereupon, the Bill was read twice, Senate Amendment "A" was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

#### Divided Report

Report "A" of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to Election of School Board of City of Old Town" (S. P. 352) (L. D. 936)

Report was signed by the following members:

Mr. GOOD of Cumberland  
— of the Senate.

Mrs. BAKER of Orrington  
Messrs. SHAW of Chelsea  
CUSHING of Bucksport  
RICHARDSON

— of Stonington  
— of the House.

Report "B" of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mrs. SPROUL of Lincoln  
Mr. STERN of Penobscot  
— of the Senate.  
Mr. BELIVEAU of Rumford  
— of the House.

Report "C" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mrs. WHEELER of Portland  
Mr. CONLEY of Portland  
— of the House.

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

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move that Report "A" be accepted in concurrence.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves that Report "A" be accepted in concurrence.

The Chair recognizes the gentleman from Rumford, Mr. Beliveau.

Mr. BELIVEAU: Mr. Speaker and Members of the House: This bill which relates to the election of school boards in the City of Old Town has received a rather novel report by the Committee. You will note that there are three reports of the Committee, Report "A" "Ought to pass," Report "B" "Ought to pass" as amended by Committee Amendment "A." Committee Amendment "A" is simply a referendum to permit the voters of the City to determine whether or not they want to retain this present system.

And there is a third report, Report "C," "Ought not to pass."

Now it is interesting to note the history of this particular law. Prior to 1965 the members of the School Board of the City of Old Town were appointed by the City Council. In 1965 a law was passed which provided for the election of members of the School Board from six wards and one member to be elected at large. The voters of Old Town at the referendum in 1965 voted to accept this and the new School Board was elected in December of last year and took office in January of this year, which means that they have been in office for less than six months.

Now it was the feeling of those of us who signed Committee Report "B" that this law, this particular — the nature of the type of election that the School Board is presently experiencing and the

fact that they have only been in office for six months, has not been properly tested, and we thought that the least that could be done was to permit this to return to the voters to see whether or not they want to retain this particular ward system.

Now at the hearing those who were supporting the bill had no objection to this returning to the voters to be determined by themselves whether or not they wanted to retain the ward system. Therefore for those two reasons and the fact that the present system has only been in operation for approximately six months and also of the fact that the proponents of the bill had no objection to returning it to the voters of Old Town for them to pass on finally as to whether or not they want to retain their present system, that is the reason why these three reports came out.

So I strongly urge you to defeat the motion to accept the Majority "Ought to pass" Report and to permit this bill to be returned to the voters of Old Town so that they can make the final determination of what they want.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker and Members of the House: It was brought out at the Committee hearing that the wards in Old Town were set up for ease of voting and they range from around five hundred to fifteen hundred in voting population. We thought that the present situation wasn't giving an equal representation to all the people in the Town and that is the reason we signed the report, to change it to an overall voting pattern. Thank you.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I have been elected for four terms consecutively by the people of Old Town to represent them and many of my constituents feel as though that this bill at the present time is just an insult to their intelligence, because as you have heard Representative Beliveau state that

they voted on this in 1965 on a referendum and a majority of the people decided that they wanted that bill to go through as it was.

Now these people who opposed that measure two years ago are the same ones today who are trying to disrupt this method. They haven't given this present School Board a chance to operate. They had only been in office at least twenty days when this bill was put in. I think that they should let the people of my community decide what they desire, and I strongly urge you to vote against the acceptance of Report "A" and I sincerely hope that you people will accept Report "B", giving the people in my community an opportunity to decide once again for themselves what they so desire. Thank you.

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

Mr. CONLEY: Mr. Speaker and Members of the House: For reasons stated by the gentleman from Rumford, Mr. Beliveau, with reference to the School Board just taking office in the past January, it was my feeling that it was much too early for us to be putting or changing the law at this time, feeling that they haven't had enough opportunity to actually get underway. However, this morning I would feel that if we are going to pass this bill that at least we should give the voters of the City of Old Town the opportunity to vote on it.

The gentleman from Old Town, Mr. Binnette, has stated that he is opposed to this particular legislation at this time, and certainly I have been trying to find out if the gentleman from Old Town, Mr. Binnette, is representative of that area from where the bill originated from and he says that it is just a group of people who were opposed to the law back when it was first enacted two years ago.

So at this time, as a signer of Report "C", the "Ought not to pass" Report, at this time I would change to Report "B" in order to give the people of Old Town the opportunity to vote on it, and I would hope that the House would reject Report "A" and adopt

Report "B" to give the people that opportunity.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: When the law was changed in 1965, in regard to the election of School Board members in Old Town, it made the change from having the School Board appointed by the Council and at the same time the second change was that they be elected by wards. Actually this is not giving true representation because of the difference in the size of the wards as Representative Shaw explained. Some of the wards are five hundred inhabitants and others as many as fifteen hundred. So it seems as if the School Board members could be elected by the people rather than the Council as the change is made in 1965; but elected at large, then everyone would have an equal opportunity, and that is my reason for signing Report "A" and I strongly urge that you support my motion for the adoption of Report "A" in concurrence.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: After listening to the remarks of the gentlewoman from Orrington, I will take the opportunity to differ with her in some areas. It is true what she says relative to some wards of five hundred people and others of over fifteen hundred, but I will also state this — from one ward to the other ward there is a distance of five miles. The people in these wards feel as though that they know who they would like to have represent them from their district better than at large, because some of these people who come from at large do not know what goes on on the other extreme end of the Town.

So therefore I still sincerely hope that you folks here will reject the motion to accept Report "A".

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I also sup-

port "B" and am opposed to the motion made by the gentlewoman from Orrington, Mrs. Baker, to accept this report because I live near this community, I know how they elect their School Board, and let me say I think in your town — the School Board in your town is no doubt like in mine, it is elected by the people.

This is the way Old Town does at the present time. Each ward elects their member of the School Board and there is one elected at large, and they have only decided to do this in the last election and I hope that we will go along and let them try this method for at least a year or so, to see how it works.

Now I would say this to you people this morning, that if this were your town I would support you too, because I feel as though you are representing your particular town, and I am going to listen to what you say, and Mr. Binnette who has represented Old Town for a long while is very much in touch with the people and knows very well what they want. They have set it forth no later than two years ago their exact wishes and I see no need to ask them to vote on an article like this again so soon. I think the whole bill should be indefinitely postponed and I so move. I move that both this bill and the reports be indefinitely postponed.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, now moves that all three Reports and Bill be indefinitely postponed.

Mrs. Baker of Orrington asked for a division.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that all three Reports and Bill "An Act relating to Election of School Board of City of Old Town," Senate Paper 352, L. D. 936, be indefinitely postponed. All those in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

95 having voted in the affirmative and 31 having voted in the negative, the Bill and Reports were indefinitely postponed in non-con-



currence and sent up for concurrence.

#### Order Out of Order

On motion of Mr. McMann of Bath, it was

ORDERED, that Teresa Cunio of Bath Junior High School Special Class be appointed to serve as Honorary Page for today.

#### Final Report

Final Report of the following Joint Standing Committee:

##### Education

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act relating to Use of Dealer Registration Plates" (H. P. 124) (L. D. 150) which was indefinitely postponed on passage to be enacted in the House on April 21 and passed to be engrossed as amended by House Amendment "A" on March 23.

Came from the Senate passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: On motion of Mrs. Lincoln of Bethel, tabled pending further consideration and specially assigned for tomorrow.

#### Orders

On motion of Mrs. Lincoln of Bethel, it was

ORDERED, that Glenn, Randy, Chris and Lorie Olson of Bethel be appointed to serve as Honorary Pages for today.

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

Mr. EWER: Mr. Speaker, may I inquire if L. D. 1573, An Act relating to Tandem Trailers, is in possession of the House?

The SPEAKER: The Chair would inform the gentleman in the affirmative.

Mr. EWER: I move that we reconsider our action of yesterday

whereby this bill received a third reading.

The SPEAKER: The gentleman from Bangor, Mr. Ewer, now moves that the House reconsider its action whereby this bill was passed to be engrossed on yesterday. Is this the pleasure of the House?

The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Ladies and Gentlemen of the House: This bill was debated thoroughly two different days and it can be debated again the third time when it comes back from the enactment stage, and therefore I hope you will not vote for reconsideration at this time.

Mr. Crosby of Kennebunk requested a division.

The SPEAKER: A vote has been requested.

The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker and Members of the House: After discussing this bill on two former occasions, I believe that we have proved beyond a reasonable doubt that this cannot be harmful in any way to anybody. It cannot be harmful to our highways, it cannot be in any way harmful to our motoring public. But it is a bill that will help one large industry in the state and we believe all other industries. I believe it's a bill that will help and be good for the whole State of Maine. Contrary to some of the things that we hear in the building this morning, I don't believe that the people that voted for this bill have changed their minds or come to any conclusion that the bill is harmful or any different than what they believed yesterday, and I hope that you will go along and defeat this motion to reconsider. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Bangor, Mr. Ewer, that the House reconsider its action of yesterday whereby L. D. 1573, Bill "An Act relating to Tandem Trailers," was passed to be engrossed. All those in favor of reconsideration will vote yes;

those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 56 having voted in the affirmative and 66 having voted in the negative, the motion to reconsider did not prevail.

#### House Reports of Committees Leave to Withdraw Covered by Other Legislation

Mr. Berman from the Committee on Judiciary on Resolve Providing for a Study of the Juvenile Offender Law" (H. P. 591) (L. D. 821) reported Leave to Withdraw, as covered by other legislation.

Same gentleman from same Committee reported same on Bill "An Act Directing Review of Maine Statutes in Relation to Criminal Responsibility and Model Sentencing Act" (H. P. 630) (L. D. 886)

Reports were read and accepted and sent up for concurrence.

#### Passed to Be Engrossed Amended Bills

Bill "An Act relating to Compensation for Certain Municipal Officers Who Appear in District Court" (H. P. 896) (L. D. 1309)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act relating to Compensation and Allowances for Members of the Indian Tribes at the Legislature" (H. P. 89) (L. D. 186)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Senate Amendment "C" and sent to the Senate.

Bill "An Act Authorizing Joint Rates Between Certain Transportation Carriers" (S. P. 609) (L. D. 1603)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Senate Amendment "A" as amended by Senate Amendment "A" thereto and sent to the Senate.

#### Passed to Be Enacted Emergency Measure

An Act to Create Down East Community Hospital District No. 1 (H. P. 1161) (L. D. 1662)

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

#### Passed to Be Enacted

An Act Establishing the Maine Medical Laboratory Act (S. P. 475) (L. D. 1208)

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

#### Enactor Tabled and Assigned

An Act relating to the Appointment of Clerks of the Judicial Courts (H. P. 246) (L. D. 354)

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

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker and Members of the House: As I understand this bill, it takes the County Clerk off the ballot and makes it an appointive office; and I would like to have an opportunity to vote on that, so I will make a motion of indefinite postponement of 354 and request a division.

The SPEAKER: The gentleman from Chelsea, Mr. Shaw, now moves the indefinite postponement of item three, L. D. 354.

The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker I move that this lie upon the table until Thursday, June 8.

Whereupon, Mr. Williams of Hodgdon requested a division.

The SPEAKER: A vote has been requested on the tabling motion. All those in favor of tabling until Thursday, June 8, will vote yes;

those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

64 having voted in the affirmative and 49 having voted in the negative, the Bill was tabled pending the motion of Mr. Shaw of Chelsea to indefinitely postpone and specially assigned for Thursday, June 8.

An Act relating to Joint State and Municipal Purchasing (H. P. 335) (L. D. 469)

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

An Act Providing Funds for Residential Facility for Mentally Retarded Children in Aroostook County (H. P. 659) (L. D. 914)

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

The SPEAKER: The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Members of the House: I think this is a time when we should make up our minds whether we want a series of Pinelands in various parts of the State or whether we should settle with having Pineland, and perhaps it would be reasonable to have an establishment of that nature in — to me, the Bangor area, but one other in the upper end of the State where visiting would be a little bit easier for people. As far as I am concerned, it is a mistake to start four or five, for the State to take over four or five of these places in various locations; so I am going to move for the indefinite postponement of this item and request a vote.

The SPEAKER: The gentleman from Denmark, Mr. Dunn, now moves the indefinite postponement of L. D. 914.

The Chair recognizes the gentleman from Easton, Mr. Rackliff.

Mr. RACKLIFF: Mr. Speaker and Members of the House: This Association was one of the first in Maine to meet the responsibilities of training retarded children at the local level. A group

of dedicated people organized the Association in the late 50's, and by sacrifice, hard work, begging and unremitting effort they established the Aroostook Association for the Mentally Retarded within Aroostook County. Their concept of care and training at the local level has not only made it possible for many retarded children to receive such education as they can absorb without being permanently institutionalized away from their homes. It has also greatly reduced the demands on the limited facilities at Pineland, and has resulted in a very substantial saving to the state.

The day school, located in Presque Isle, unfortunately cannot serve all of Aroostook County. Distances are too great, and winter driving too uncertain. The Association accordingly visualized the day school as step one to solve immediate problems of inaccessibility and safety, and, recognizing the many demands on the Legislature for money, agreed to defer step two, the live-in facility, until this biennium. The day school, incidentally, received very modest support from the state level for operating costs, most of which are generated at the local and county levels.

I am not going to belabor this issue. I think you all know its value and I am going to ask you to vote against the motion. Thank you.

Mr. Scott of Presque Isle then requested a roll call.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This is substantially—I would substantially repeat myself as to what I said a few minutes ago concerning another measure, I brought this one in. We started this program two years ago, I think it is a very very fine program and the very reasons that I am voting for it is the reason that it's the obvious reason of the length of time and distance that there exists between the areas of Aroostook County and Pineland at this very tip end of the State, when these people, who in great part are of meager means, cannot afford to visit their loved

ones in these institutions. And again I repeat myself, while we are looking out for everybody else, let's please cast an eye on the mentally retarded; and I certainly hope that the motion to indefinitely postpone does not prevail and I herald the motion of the gentleman from Presque Isle, Mr. Scott, for asking for a roll call.

The SPEAKER: The pending question is on the motion of the gentleman from Denmark, Mr. Dunn, that item five, L. D. 914, be indefinitely postponed. All of those desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

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

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I would like to say that I hope that this bill is not indefinitely postponed because I believe that the mentally retarded are individuals who need professional care and I do not believe in just farming them out to different homes where they may stay for a short period of time. I believe that the professional care that a residential facility will give them is what is necessary and I hope this bill receives passage.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Denmark, Mr. Dunn, that L. D. 914, An Act Providing Funds for Residential Facility for Mentally Retarded Children in Aroostook County, be indefinitely postponed. All those in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Baker, E. B.; Benson, Birt, Cornell, Dunn, Durgin, Hanson, H. L.; Harriman, Henley, Hewes, Huber, Immonen, Lincoln, Littlefield, Nadeau, J. F. R.; Porter, Snowe, P.; Sullivan, Trask.

NAY — Allen, Baker, R. E.; Bedard, Belanger, Beliveau, Ber-

man, Bernard, Boudreau, Bourgoin, Bradstreet, Bragdon, Brennan, Brown, Buck, Bunker, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Clark, Conley, Cookson, Cote, Cottrell, Couture, Crockett, Crommett, Curran, Cushing, D'Alfonso, Dennett, Dickinson, Drigotas, Drummond, Dudley, Edwards, Eustis, Ewer, Farrington, Fecteau, Fortier, Foster, Fraser, Fuller, Gaudreau, Gauthier, Gill, Giroux, Hall, Hanson, B. B.; Hanson, P. K.; Harnois, Harvey, Hawes, Haynes, Healy, Hennessey, Hichens, Hodgkins, Hoover, Humphrey, Hunter, Jalbert, Jameson, Jannelle, Jewell, Keyte, Kyes, Lebel, Levesque, Lewin, Lewis, Lycette, Maddox, Martin, McMan, McNally, Meisner, Miliano, Minkowsky, Mosher, Nadeau, N. L.; Pendergast, Pike, Prince, Quimby, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Rocheleau, Ross, Sawyer, Scott, C. F.; Scott, G. W.; Scribner, Shaw, Snow, P. J.; Soulas, Starbird, Susi, Tanguay, Thompson, Townsend, Truman, Waltz, Wheeler, White, Wight, Williams.

ABSENT — Binnette, Crosby, Danton, Darey, Evans, Hinds, Kilroy, Noyes, Payson, Philbrook, Roy, Sahagian, Shute, Watts, Wood.

Yes, 19; No, 115; Absent, 15.

The SPEAKER: The Chair will announce the vote. Nineteen having voted in the affirmative and one hundred and fifteen in the negative, the motion to indefinitely postpone does not prevail.

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

#### Order out of Order

On motion of Mr. Lewin of Augusta, it was

ORDERED, that Mary Bryant of East Winthrop, Johnnie Troop of Pittston, Earl Black of North Monmouth, Mary Ellen Pettengill of Wayne and Jeanne Boynton of North Whitefield from the Mid-State United Cerebral Palsy School at Penney Memorial Church, Augusta be appointed to serve as honorary pages for today.

**Orders of the Day**

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

Bill "An Act relating to Retirement Benefits for Policemen and Firemen of the Lewiston Police and Fire Departments Under the State Retirement System" (S. P. 568) (L. D. 1438) (In Senate, passed to be engrossed)

Tabled—June 2, by Mr. Cote of Lewiston.

Pending — Passage to be engrossed.

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

Mr. SNOWE: Mr. Speaker, could we have this retabled until later on in today's session?

The SPEAKER: The gentleman from Auburn, Mr. Snowe, moves that this be tabled until later in today's session.

Whereupon, Mr. Jalbert of Lewiston asked for a division.

The SPEAKER: All of those in favor of having this matter tabled until later in today's session will vote yes; those opposed will vote no. The Chair opens the vote.

70 having voted in the affirmative and 47 having voted in the negative, the motion to table until later in the day's session did prevail.

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

Bill "An Act Increasing Salary of Mayor and Councilmen, Reducing the Number of Members on the City Council, Increasing the Term of Office of Mayor, City Council, Board of Police and Board of Education, Wardens and Ward Clerks of the City of Biddeford, Changing Date of Election, and Providing for Electing Civil Service Commission for the Fire Department of the City of Biddeford" (H. P. 1186) (L. D. 1687)

Tabled—June 2, by Mrs. Baker of Orrington.

Pending — Passage to be engrossed.

Mr. Cushing of Bucksport then offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to H. P. 1186, L. D. 1687, Bill, "An Act Increasing Salary of Mayor and Councilmen, Reducing the Number of Members on the City Council, Increasing the Term of Office of Mayor, City Council, Board of Police and Board of Education, Wardens and Ward Clerks of the City of Biddeford, Changing Date of Election, and Providing for Electing Civil Service Commission for the Fire Department of the City of Biddeford."

Amend said Bill in the Referendum by inserting before the question mark at the end of question 3, the following: ', be accepted'

House Amendment "A" was adopted and the Bill passed to be engrossed as amended and sent to the Senate.

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

An Act relating to Assistant County Attorneys (H. P. 33) (L. D. 53)

Tabled—June 2, by Mr. Nadeau of Sanford.

Pending — Passage to be enacted.

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

Mr. NADEAU: Mr. Speaker and Members of the House: In this bill here, L. D. 53, it's just like playing a game of poker and this is exactly what they are doing. You had one bill in which we as individuals from various counties went before the people and had permission to get one county attorney or an assistant. Now this poker game is going on now—they don't bring it back to the county, they don't bring it back in front of the people, but they just start tacking on amendments and adding on assistants. We already know the high cost of running county government.

Now I have here an amendment, which was approved incidentally, Amendment "A," and it says various things concerning the county attorneys. I have here Senate Amendment "A," Senate Amend-

ment "B" which has been adopted, and I can spot immediately, and this has been going on in some sessions before—this is how they got this huge number of them already. What was not anticipated, what did not go in front of the people, we have an additional man appointed for Oxford County. In Somerset we have another one here. They try to do the same thing to my county, York County, but at least we made them go through the regular door and apply, go before State Government. And to the best of my knowledge it was opposed there, because I know I opposed it. But I don't know how long we are going to stand for this. From now on I don't see any reason to have committees, because they don't use them any more. They just come around from the side door, add on as many county attorneys as you want to. But our people are the taxpayers.

Now I have here an article from the Portland Sunday Telegram. It says here, "District Attorneys Needed on Full Time Basis." You are going to have this year, from what I understand, a study—at least Mr. Lund has sponsored a bill in which will make this full time. Now we all know, and some of you here have been county attorneys. Now you know this is a farce. I have served on a jury and I have had the judge tell the County Attorney or his assistant—"By God, man, he's the one that prosecuted the case." No wonder we are losing so many cases or that so many are not-prossed.

This has been proven, it has been said in the papers before, we're training them at county expense. You either get the oldest one or the youngest one, and neither one are the worst from their areas. This was brought out at the hearings. Now these amendments, if we go to approve this, is exactly coming around the back door and I don't think that we who have been here to represent the majority of the people should go along with this. Now if you have been reading about the various articles, and unfortunately I couldn't find all of them, they are

all telling you that this is inadequate. Therefore, I would like to move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, now moves that item three, L. D. 53, be indefinitely postponed.

The Chair recognizes the gentleman from Rumford, Mr. Beliveau.

Mr. BELIVEAU: Mr. Speaker and Members of the House: I hesitate to rise today to discuss the issues raised by my learned and distinguished good colleague and friend from Sanford, Mr. Nadeau. And more particularly after I have assessed some of his statements about the youngest and oldest members of the bar serving as County Attorneys. Having just completed a term as County Attorney, I think I was probably the youngest County Attorney in this State two years ago, I don't know how to accept his statements. But in any event, I believe his first argument was the fact that the original bill had several amendments attached to it and that one particularly would provide for an Assistant County Attorney for Oxford County. Now, I am the first to admit that this was not, that the amendment was prepared at such a late date, and when we concluded that Oxford County needed an Assistant it was too late to have this done in such a way as to provide for a public hearing. But after discussing this with several of the members of the Oxford County delegation and having just completed two years as County Attorney in Oxford County, and particularly in view of the increased work load in Oxford County where the County Attorney must serve two district courts, as well as the Superior Court, and in the case of our present County Attorney, he is a man who is sole practitioner and has very little time to devote to his private practice, it was felt that in the interest of justice for the better prosecution so that the State of Maine and particularly those who are the victims of crimes would be well represented, it was felt that an Assistant County Attorney

would serve the best interest of the citizens of Oxford County.

Now I don't care to answer any of the accusations and suggestions made by my good friend from Sanford, but I do hope that you will oppose and vote against his motion for indefinite postponement because you can rest assured that whatever amendments are attached to this L. D. they were certainly done in good faith and no attempt to circumvent our legislative process.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: I have a great deal of respect for those attorneys, and there are quite the good section of them, that live up to their oath in practice. There are some of them, you can decide for yourself what proportion, work the opposite way. They give lip service to justice and equity but in practice some of them do just the opposite. I happened to be on, last session, that Committee of Municipalities and Counties, and frankly I was disgusted when I wasted my time, sometimes four hours an afternoon and made decisions and what happened? Some of these attorneys came in and they played a game of "you scratch my back and I'll scratch yours." And what the gentleman, Representative Nadeau says is, in my opinion, substantially true. And I refused to go on that particular committee again. And I would like to have these gentlemen and particularly that unusually good friend of mine that I dearly love, former County Attorney in Oxford County, because of his father and the reputation his father created as a member of the Supreme Court of Maine; but unfortunately, when you keep adding in one way or another a load on the taxpayers, if the taxpayers of these various counties had an opportunity to vote and knew the facts they wouldn't be for this County Attorney getting a job and then getting, in some counties, as many as three assistants, that leaves him free to practice law and get big fees and, because he is the County Attorney,

to influence judgments in the courts, many of them which he has a vital interest in because he is getting big fees from it.

Now, if we have to, maybe we ought to take up a collection for some attorneys. Let's put them, if they want to be on the tally rolls of the taxpayers of the various counties, let's take up a collection for them if they are in need.

The SPEAKER: The Chair would encourage the gentleman to restrain his language and keep it within the bounds of good taste.

Mr. SULLIVAN: Well, unfortunately, with the aggressive emotional manner I have, I am sorry. However, I'll have a little more to say on other things that add to the burden of the taxpayers of this State and counties. Thank you.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I don't know how to get out of this, but what I meant to do was postpone Senate Amendment "A" and Senate Amendment "B", because there is some good in this bill. We must have people to represent them, even though they are not doing what we might call a qualified job. My main objection to this is that they are what you call a political plum. It has been stated in every newspaper that it is part time, and I have here, in the Portland Sunday Telegram and the Bangor Daily News, they are not favoring anyone but they said here, "If the scales of justice are weighted against part-time prosecutors." It says here also "The result is that the defense lawyers can make mincemeat out of the State." Other facts, it says here "Another result is that the guilty often go free, brag about how they beat the rap, and many then attempt further crime and induce others to do so."

I know, I was one of those fortunate people that got delegated to appear as a court juror in the last session in York County. I was amazed! I would love to be working against the State anytime and make mincemeat. I know, Mr. Richardson came up there, he won

his case; he knows. And several other people have. I shouldn't say that in that tone of voice because I know he is very capable, but all he had to do was stand there, he had it won anyway. And it says here, here's another thing I would like to have noted, it says here, "a judge is duty bound to base decisions on properly presented evidence are often forced to let go free those whom they believe to be guilty because the State of Maine failed to present its case effectively and competently." Now, ladies and gentlemen, my only objection, again, is that it is disregarding the people, if they had the guts, they knew they needed an assistant, why didn't they go before their own people in their counties instead of choosing this rear door? I, therefore, Mr. Speaker, would like not to indefinitely postpone the whole bill, because unfortunately someone there is better than none, but I would like to indefinitely postpone Senate Amendment "B" and Senate Amendment "A".

The SPEAKER: The Chair understands that the gentleman from Sanford, Mr. Nadeau, now requests permission to withdraw his motion to indefinitely postpone. Is this the pleasure of the House?

The motion prevailed.

Thereupon, on further motion of the same gentleman, the House voted to suspend the rules and to reconsider its action on May 31 whereby the House receded and concurred with the Senate. On further motion of the same gentleman, the House voted to recede.

Senate Amendment "A" was then read by the Clerk.

Mr. Nadeau of Sanford then moved that Senate Amendment "A" be indefinitely postponed.

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

Mr. BELIVEAU: Mr. Speaker and Members of the House: Senate Amendment "A" will provide for an Assistant County Attorney for Oxford County. Now, in reviewing this amendment I believe this is the only change from the original bill. So, consequently, I am in a position to discuss the contents of

or the reasons why we need an Assistant County Attorney in Oxford County and also why we approached it in this manner. Oxford County is a county of approximately 46,000 people. There are two District Courts, one in Rumford and one in South Paris, approximately thirty-six or thirty-seven miles apart. The District Court is in session four days a week in Oxford County. In addition to District Court the County Attorney must also appear before the Grand Jury and prosecute cases in the Superior Court three times a year during three terms. Now, this year for instance, the February term in Rumford, which lasted four weeks, the Court was not able to dispose of any civil cases. There were three weeks of criminal trials. The May term is presently in its fourth week, which it appears it will be going on for another three weeks, has been devoted solely and primarily to the prosecution of criminal cases. In addition we have a term in October which it appears in view of our past history where the criminal docket is very substantial that the County Attorney again will be spending at least four to five weeks in Superior Court.

Now, a lot of this has come about with the advent of the District Court. In my first term as County Attorney in 1965 we did not have the work load in District Court which now exists. The District Court went into effect in Oxford County on January of '66 and it is quite apparent with every passing week that the volume of cases in District Court increased, that the constitutional rights that the defendants are entitled to were impressed upon him, that the hearings which were normally summarily heard are that the individuals were given a great deal of time and the defenses were much better handled. So, consequently, the appeals to Superior Court increased, the work before the Grand Jury increased and it appears that at least this year, as of June of this year, that our County Attorney for a salary of \$5,000 per year has devoted practically four full months in Court, which does not include the many, many conferences that he



must have with the Court and with prosecuting officers.

Now, there is a bill pending, that has been introduced which would have this whole system of our present prosecuting system reviewed with the thought of creating at some time some type of full time prosecuting system. Now, until this happens I do not believe that the citizens of Oxford County, or any county, or the Courts should be penalized by having individuals who are prosecutors who are not able to devote their full time to their position.

Now, the present law under which the county attorney system is based, provides for a part-time system. Now if we want the county attorneys to work on a full time basis we certainly should compensate them accordingly. Now, when a County Attorney is paid \$5,000 per year and devotes the majority of his time to prosecuting cases, I think that he is being penalized. Now, what the purpose behind this bill is, is to permit the State to be represented on all criminal cases before the District Court. At the present time, because of a distance between the Courts, because of the work load of the County Attorney, he is unable to appear in both District Courts.

This would give us an Assistant County Attorney at a salary of \$3,000 per year and permit him to be at the Rumford District Court on a full time basis and our present County Attorney would appear at the District Court in South Paris and also at Superior Court. I don't believe it is an unreasonable request. As I said at the outset, it was done in good faith with no attempt to circumvent the legislative process and I trust that you will vote against the motion of my scholarly friend from Sanford, Mr. Nadeau, to indefinitely postpone.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I didn't hear my good colleague, Mr. Beliveau explain why he did not go before the people. And as you know, for those of us who have all served

on different committees, we found out many subjects did not go before the people. And a lot of you know the reasons why. Now, he did mention in his fine voice and tone about how this one gentleman for \$5,000, a meager fee of \$5,000 mind you, earned it in four months, that's what he said, for four months in Court, he earned \$5,000. It's not the object of the other three. Now as it's stated before in the newspapers, it's stated before by members of the Senate, we have had articles galore, these are all part-time. Basically, it is not the \$3,000 in the year, it's the fact that their people have not had an opportunity to have their say. And this is what I disagree is the back door approach. Now, let's take York County. So far, ours has been defeated. You know what they did to me, they came up to me and said, "Look, you tell us who you want, we'll appoint him from Sanford." Now, how do you like that? I said no. This is just a gimmick. If you do it today for these two counties, who knows, you are going to do it again for some others. And I hope you will insist upon representing the majority of the people, those who have the say, and defeat this amendment.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: Because, over the years, my family and my friends and myself have suffered from the setup in our courts. Today, you got a situation not only in this State, but in the Nation, in which the lawyers make the laws. And they not only circumvent what the average citizen, lay person or taxpayer wants, they do it repeatedly. Anybody that's had any experience with the courts, they know they are unable to get justice because of the setup of that game of you scratch my back and I'll scratch yours. Now it is about time that we stopped this thing because all of these things are paid by the taxpayers and repeatedly in this House, when it is put up to the members of the House they want the judgments to go back to the voters of the par-

ticular towns and counties. Now, in my opinion, the lawyers they are making our laws for us. When I looked it up in '63, our United States Senate and United States Congress, 56 per cent of them are lawyers. You all know that the average member of this House and the average member of the Senate has no influence to speak of. Who has the influence on this House? It's the third House. And many of those legal lobbyists for big interests, the average person hasn't got the money to hire legal lobbyists and some of them, to the best of my knowledge and belief, are gathering in from forty to fifty thousand dollars a year. Who do they represent? Do they represent the rank and file of the people? Of course the answer is, no. I think I have said enough and I hope I have made myself clear.

If they give my dearly beloved friend, the former County Attorney of Oxford County, if he wants that to go through when he ran for County Attorney and when the present County Attorney ran, they knew what the salary was, they knew what they were supposed to do, but they come in with these gimmicks so that they can get around and they can influence the judgment of people of this legislature. Probably, the proportion of lawyers in this State is a fraction, a very minute fraction of 1% of the people. Are we going to allow that small percentage to make the laws, tell us what to do, protect people who break the laws? I think it's about time we furnished a little protection for the average person. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I am not a lawyer; never been a county attorney. I would like to say a few things in regard to the remarks of Mr. Nadeau of Sanford. I certainly appreciate his attempt to save the taxpayers money. I think possibly I am one of the most conservative members of this House. I am pretty tight with my pennies. I don't have many.

I would like to say for our previous prosecutor in Oxford County, Mr. Beliveau, that I have personal knowledge that he had been outstanding when he was our County Attorney. I feel that anything along that line that he advises is well founded. I also will say that Mr. Beliveau has contacted, I believe, the entire delegation of the County. They, in general, approve of the Assistant County Attorney for the very reasons which Mr. Beliveau has so ably stated. I am quite familiar with Oxford County's County government. I was a part of it for several years and I do not feel guilty for the money I took from it and the taxpayers. I do feel that there are, in Oxford County government, probably, in all county governments, State government, National government, pork barrels, overexpenditures, boondoggling, to be sure. But I will say one thing in regards to County government, we cannot put things before the people because it's one echelon of government which does not have representation, direct. That is one of the problems which we are faced with and possibly something should be done about it. Nevertheless, Mr. Beliveau has, as near as I can tell, has nearly placed this before the people as it is possible to do so. Because, we, the delegates, the Representatives, Senators of Oxford County represent the people in so far as the money is concerned at the County level.

Oxford County's government is relatively split. We have the center of population and industry in the Rumford-Mexico area, the largest part of the population. The county seat happens to be in South Paris which, a little bit of a correction of Mr. Beliveau's, is either thirty-eight or thirty-nine miles, a little bit farther away than he stated, and it creates quite a problem. The same thing applies to our two Courts. I had a bill in the Legislature the first of the season, to discontinue the Superior Court in Rumford, because I hoped that it would be an economy measure, but I withdrew the bill, I asked for it to be withdrawn when I was shown that it would not be an economy measure because of the

problem of running our two Courts and the distances involved.

More or less the same arguments apply to the need for an Assistant County Attorney so it is definitely a need now that we have our two District Courts within the County. These are increasing problems, they are one of the many increasing problems. Whether they will create such a problem at the County level that there will have to be an entire overhaul of County government is another matter. I don't feel that we can do it by whittling away at a few of the little things which are going to give more efficiency in crime detection and prosecution at this time, when that is a very important item of government and I think, a good many times, too much neglected. So, I'll urge this House to defeat the motion to indefinitely postpone Amendment "A".

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Members of the House: There is nothing more that I can say that our former County Attorney, Representative Beliveau, hasn't said and said very well. Many times he and I are not in accord, but this is one time when we are very much in accord. And, as a Member from Oxford County, I certainly hope you vote against the motion to indefinitely postpone this amendment.

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

Mr. FRASER: Mr. Speaker and Members of the House: There is not need of repeating what has already been said regarding the need for this Assistant County Attorney, but I also heard mention the distances of thirty-five miles which is between the two Superior Courts, but I believe this involves much farther distance than that when you consider that Oxford County reaches from the Canadian border down to York County, a distance of over a hundred miles. I have seen times when it required the County Attorney to be in two places at once which is, as you know, impossible. I hope you will

go along with having our Assistant County Attorney.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: I support the concept and the idea of a full time prosecuting system. I am sure it will make for much more efficient prosecution on behalf of the State. But until that time, until that law comes into being, I suggest that we provide sufficient staff for the local counties to do the job so the State will be well represented, fully represented. I urge you to vote against the motion to defeat Senate Amendment "A".

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

Mr. NADEAU: Mr. Speaker and Members of the House: Delegations quite often in disrespect to the majority of the people who elected them come before committees, or individual committee members to strong arm you into seeing it their way. This is a proven fact. We all know this exists. So at this time, I must give you some further information concerning York County. I could give you some concerning several counties. However, we are concerned with this Amendment "A" concerning York County, I mean Oxford County, which is an attempt — did not go before the people. This is my major concern. First of all is it not a fact, members of this delegation, that twenty-three out of twenty-seven budget requests were over-expended in that County including the statutory raises? You wonder why I am concerned only about a meager \$3,000. You've got to start some place. And I hope you will keep that in mind when I ask you to just defeat this simple little amendment which could start something, boomerang, and make it something big. Someone, somewhere, has got to start protecting the taxpayers.

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

Mr. QUINN: Mr. Speaker and Members of the House: Apparently my good friend from Sanford

doesn't like attorneys, and particularly County Attorneys and Assistant County Attorneys with the exception of our distinguished Leader from Cumberland County. I would like to point out to you this, this matter was before my Committee and we heard it thoroughly. Mr. Nadeau from Sanford has made a motion to indefinitely postpone an amendment to this bill which apparently affects other counties who are desirous of having an Assistant County Attorney and I refer to my good friend Brother Beliveau from Rumford. Brother Nadeau from Sanford comes from York County and apparently he is talking for York County, and I notice the original bill applies to one assistant in York County, and each of the amendments applies to one assistant in York County. Now if Brother Nadeau doesn't want an assistant in York County, why doesn't he amend the bill and get it the way he feels the people of his county want it, instead of destroying the bill for some of these other counties that feel that they need it? Because of that fact, I hope that the House will go along and vote down this motion.

Mr. Nadeau of Sanford was granted permission to speak a third time.

Mr. NADEAU: Mr. Speaker and Members of the House: In answer to the noted Colonel and Judge from Bangor, Mr. Quinn, I have no bones to pick with any County Attorney or Assistant. I have never been picked up on any offense whatsoever, and don't intend to, I hope. However, I am not screaming at this in York County to explain who is going to add another one. This was done. What I am trying to stop is what has been happening in prior sessions. This has happened at various other sessions. This is the information given me. This is how you get so many of them. The only point before us today is do we permit a certain handful to disregard the people in their own area and come up here before the House just by a simple amendment and give their wishes. And in most cases when this occurs it is being sponsored by a lawyer. Now, I have no bones to pick with any of them. It's the fact

that the people have been disregarded and the only reason I am taking this stand, it is not because of this particular bill, but it is because of all of my observations from having attended many hearings and from being a member of the Towns and Counties. I am very sincere when I say to you folks that there has been countless and numerous abuses in many factors in many ways. And I cannot go along and contend that this is a decent way of doing something when you have not brought it up to your people, the voting people. And I therefore, urge you to defeat this amendment and I would like a division.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Sanford, Mr. Nadeau, that Senate Amendment "A" be indefinitely postponed. All those in favor of indefinite postponement of Senate Amendment "A" will vote yes, those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

8 having voted in the affirmative and 113 having voted in the negative, the motion did not prevail.

Senate Amendment "A" was adopted in concurrence.

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

Mr. NADEAU: Mr. Speaker, having recognized that the majority of the people, and this is this majority, does not care whether we go back to our own people to see what their wishes are, and don't care as to what method is used to come around the back door on any bill, I therefore withdraw my motion to indefinitely postpone the other Senate Amendment "B."

Senate Amendment "B" was read by the Clerk and adopted in concurrence. Thereupon, the House voted to concur with the Senate, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act Regulating Firearms in Active Lumbering Operations in Unorganized Territory" (H. P. 1167) (L. D. 1668)

Tabled—June 2, by Mr. Cookson of Glenburn.

Pending — Adoption H o u s e Amendment "A" (H-391)

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday I offered an amendment to change the word 'person' in this bill to 'alien' and asked that it be tabled because I had been informed that it was quite possible that this would be unconstitutional. This morning I received a telephone call from the Attorney General and in effect he says that to substitute the word 'alien' for the word 'person' it would be unconstitutional. Therefore, I move the indefinite postponement of the amendment.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, now moves the indefinite postponement of House Amendment "A." Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I find myself on the horns of a dilemma for two reasons. First of all because I am aware of the problem that exists in the northern portion of Aroostook County in terms of aliens coming in and taking our game, most of the time without a license to do it with, and second because I feel that this particular L.D. is somewhat too broad because it says that any person who goes into any lumbering or pulp cutting operation which would be located in an unorganized township it would be illegal for him to have a gun during the deer season.

I personally don't know of any way whereby this could be solved. I would hope that if someone in this House has an idea that this could be, that it probably could be tabled. If they do not, then I would think that someone would

move that the entire bill be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker, I rise in support of the gentleman from Eagle Lake this morning. This bill seems to be somewhat questionable, and it is a bill that was written up in hopes that we could come up with something to prevent this from happening up along the Canadian Border, but it does say unorganized territory and that goes as far south as I am sure Bangor when you say unorganized territory, and that's a good many miles from the Canadian Border. So I don't think this bill is going to do what we had hoped it was going to do, and for that reason, I would now move that it be indefinitely postponed.

The SPEAKER: The gentleman from Glenburn, Mr. Cookson, now moves that Bill "An Act Regulating Firearms in Active Lumbering Operations in Unorganized Territory," House Paper 1167, L.D. 1668, be indefinitely postponed. Is this the pleasure of the House? All those in favor say yes, those opposed, no.

A viva voce vote was taken, the motion prevailed. Sent up for concurrence.

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

Bill "An Act relating to Fair Minimum Wages for Construction of Public Improvements by State of Maine" (S. P. 652) (L. D. 1660) (In Senate, passed to be engrossed)

Tabled—June 2, by Mr. Scott of Presque Isle.

Pending — Passage to be engrossed.

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

Mr. McNALLY: Mr. Speaker and Members of the House: To be as brief as possible, I present House Amendment "B" to Senate Paper 652, L. D. 1660 and move its acceptance.

Thereupon, House Amendment "B" was read by the Clerk as follows:

HOUSE AMENDMENT "B" to S. P. 652, L. D. 1660, Bill, "An Act Relating to Fair Minimum Wages for Construction of Public Improvement by State of Maine."

Amend said Bill by striking out in the first line of subsection 1 of that part designated "§1304." (same in L.D. 1660) the underlined word "Advisory"

Further amend said Bill by striking out all of that part designated "§1307." and inserting in place thereof the following:

'§1307. Minimum Wage Rate on Construction Projects Board; appointments; duties

A Minimum Wage Rate on Construction Projects Board to consist of 5 members, 4 of whom shall be appointed by the Governor, with the advice and consent of the Council, to serve at the will and pleasure of the Governor. The Governor, in making his appointment, shall name one from labor engaged in the building trades, one from labor engaged in the highway and heavy construction trades, one from the highway and heavy contractors, one from the building contractors and the Commissioner of Labor and Industry who shall serve as a public member. The term of each member shall be for a period of 4 years.

The members of the board shall serve without compensation.

The board shall annually elect a chairman from its membership and shall sit at the call of the chairman to hear and decide appeals arising from determinations of the Commissioner of Labor and Industry as to fair minimum wages. The board shall be empowered to establish rules for the conduct of its proceedings.

The Commissioner of Labor and Industry shall designate an employee of the Department of Labor and Industry to be the permanent secretary to the Minimum Wage Rate on Construction Projects Board who shall maintain a record of all proceedings of the board.'

Further amend said Bill by inserting at the end of that part designated "§1308." (same in L. D. 1660) the following:

'3. Appeal. Any person affected by the determination of the Com-

missioner of Labor and Industry, whether or not such person participated in the proceedings resulting in such determination, may appeal to the board from such determination by filing a written notice with the board stating the specific grounds of his objection within 10 days from the filing of the copy of the determination with the Secretary of State. The board shall hear the appeal within 20 days from the receipt of notice of appeal. The hearing by the board shall be held in Augusta. The board shall have the authority to affirm, reverse or amend the determination of the Commissioner of Labor and Industry. The board shall render its decision within 10 days after the conclusion of its hearing.'

House Amendment "B" was adopted, the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act Appropriating Funds to County of Lincoln, Town of Wiscasset and Town of Westport for Reimbursement of Funds Expended on Westport-Wiscasset Bridge Span" (H. P. 1181) (L. D. 1683)

Tabled—June 2, by Mr. Harvey of Woolwich.

Pending — Adoption of House Amendment "B" (H-378)

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

Mr. HARVEY: Mr. Speaker, Ladies and Gentlemen of the House: I am afraid this amendment as written would kind of upset the apple cart. The State already on this unfortunate piece of mud and stones is in hock for \$210,000 and the way this bill has been written the new span will go under the Bridge Act. Without Federal funds, this would cost the State Highway Department an additional \$465,000. If we are fortunate in getting money from the Corps of Engineers to the tune of \$400,000, they will still have to put up over \$200,000 under the Bridge Act. So I move that House Amendment "B" not be passed. Thank you.

The SPEAKER: The Chair understands that the gentleman from Woolwich, Mr. Harvey, now moves the indefinite postponement of House Amendment "B". Is this the pleasure of the House?

The motion prevailed.

The same gentleman then offered House Amendment "C" and moved its adoption.

House Amendment "C" was read by the Clerk as follows:

HOUSE AMENDMENT "C" to H. P. 1181, L. D. 1683, Bill, "An Act Appropriating Funds to County of Lincoln, Town of Wiscasset and Town of Westport for Reimbursement of Funds Expended on Westport-Wiscasset Bridge Span."

Amend said Bill by adding at the end the following paragraph:

"The appropriation of money under the breakdown, as shown, to the County of Lincoln, Town of Wiscasset and Town of Westport shall be credited toward the share of the county and towns as listed for the building of a new bridge built under the bridge act."

House Amendment "C" was adopted and the Bill passed to be engrossed as amended and sent to the Senate.

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

SENATE REPORT — Ought to Pass as amended by Committee Amendment "A" (S-197)—Committee on Judiciary on Bill "An Act relating to Dividends and Stock Held by Unknown Stockholders" (S. P. 503) (L. D. 1218) (In Senate, passed to be engrossed as amended by Committee Amendment "A")

Tabled—June 5, by Mr. Quinn of Bangor.

Pending—Acceptance in concurrence.

Thereupon, the "Ought to pass" Report accepted in concurrence and the Bill read twice.

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

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

SENATE MAJORITY REPORT (6)—Ought Not to Pass—Committee on State Government on Bill "An Act to Create the Office of Ombudsman"—(S. P. 439) (L. D. 1091) MINORITY REPORT (4) — Ought to Pass (In Senate, Minority Report accepted and passed to be engrossed).

Tabled—June 5, by Mr. Rideout of Manchester.

Pending—Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, Ladies and Gentlemen of the House: The famous John Milton, three hundred years ago said, "Liberty does not mean freedom from distasteful, or, even wholly misguided governmental action . . . but . . . when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost bound of civil liberty attained that wise men look for."

The office of an ombudsman is a device for controlling bureaucracy by investigating complaints from citizens that they have been unfairly dealt with by governmental departments, and who, if he finds that a complaint is justified, seeks a remedy.

There was a time not too long ago when our government was divided into three branches: legislative, judicial, and executive. Today, these three branches are overshadowed by a fourth, the administrative.

As the complexity of government has increased, and the demands upon it have grown, the Legislature has been forced to delegate more and more of the actual work of government to the administrative agencies. Most state agencies have the express or implied authority to promulgate rules and regulations. Along with this prolific exercise of basically legislative power, many state agencies adjudicate cases and thus combine all three "separate powers" under single administrative units. The Legislature, in creating new agencies and expanding existing ones, have delegated broad policy making powers affecting intimately the lives of most

citizens. State legislative overseeing of these administrative agencies is non-existent in some cases, highly sporadic and superficial in others. Departments and agencies have developed, in some cases, into little governments of their own, with uncontrolled discretionary authority.

I visualize the ombudsman as a people's lobbyist, as an arm of the Legislature similar in structure to our Legislative Finance arm or our Legislative Research arm—call it a Legislative Department of Civil Affairs, if you will, with the duty to provide accessible, dependable, regular relief from bureaucratic excesses.

I call to your attention L. D. 1091, An Act to Create the Office of Ombudsman. In the interest of time, I will not go into the bill, for I'm sure that you are all aware of its provisions, other than to say that it is simple and straightforward and is based on a model act proposed by the Harvard Legislative Research Bureau, tailored to conform with Maine law, providing for the establishment, qualifications, jurisdiction, and powers of the office of ombudsman in the State of Maine. Again, in the interest of time, I will not go into the history of the ombudsman concept, for recent publicity has, I'm sure, acquainted members of this House with the history and success of this concept in other states and countries.

The ombudsman concerns himself with the administrative acts of agencies of State Government. This excludes Federal, county, and municipal agencies. Courts are excluded so as not to interfere with the functioning of the legal and judicial system. Penal institutions are excluded because their inmates have been convicted of crime under a system which goes farther to protect their rights than any other in the world. The sponsor excluded the Legislature because he wanted the bill to pass, and he excluded the Governor because he didn't want him to veto it.

This still leaves subject to the act the broad range of state agencies, that most people see and deal with on a day to day basis.

The ombudsman has wide discretion **not** to investigate complaints made to him if he thinks there is already a remedy available, or it's out of his jurisdiction, or too much time has passed since the action complained of took place, or the complaint is trivial and so forth. He can also refuse to investigate if he feels his staff is inadequate, or, simply, if he has other complaints that are more important. On the other hand, he may investigate any administrative action on his own volition without a complaint being filed.

Whether or not he decides to investigate, the complaining citizen gets a straight answer. This would seem to be too obvious to provide for, but the studies show that one of the major sources of citizen complaints is their simple inability to get a straight answer out of the bureaucracy.

The ombudsman can investigate an administrative act which: is contrary to law, or if even if legal, is unreasonable, unfair or oppressive, or is based on a mistake of fact or on improper grounds, or is unreasonably unexplained, or is performed inefficiently, or in some other way is just plain wrong.

He investigates, and this along with his independence is the key to his effectiveness, not necessarily to point a finger or to rap knuckles, but to analyze and evaluate the administrative procedure that gave rise to the complaint and formulate recommendations regarding future administrative actions or procedures that will improve them. At the present time, nobody in the State Government has the time and the interest and the stature and the ability to objectively perform this function.

One question that is often asked about the ombudsmen is: With 151 Representatives and 34 Senators, who needs him? Don't the Legislators now do everything that he would do? I think the answer is: They don't, and they can't.

The Legislature meets only six months out of every two years. During that time, most of us are tremendously busy on legislative matters. We all get complaints and problems from our constituents which we try to handle for



them. Sometimes, if they are simple, we do a good prompt job. But how often do we merely go to the agency that our constituent is complaining about and ask them to look into it? How often do we merely grasp at a routine answer that is sufficient to keep our constituent from getting mad at us? How diligent are we if we think our constituent is a nut or worked in the election for our opponent? Even more important, how good a job do we do during the other eighteen months when we've gone back home to try and catch up on our own businesses, particularly if we're not going to run for office next time?

Even if the Legislator could adequately handle all the complaints of his constituents, and I think this is open to serious question, he cannot begin to compare with the ombudsman in the role of a constructive administrative critic. The agency will breathe a sigh of relief when legislators leave and go right back to doing things the same old way. Very little is learned or improved from the Legislator's effort.

Another question people have is: "Wouldn't this just be piling one more bureau on top of all the others?"

The State of Maine has less than a million people, yet it has over 10,000 state employees, over 90% of whom would be covered by this Act. It seems to me that we have reached a point where we could well institute what industrialists call "quality controls." We've got the quantity, but shouldn't we try to maintain our governmental output at a better level of quality and if we can do it without adding disproportionately to the cost? Again, nobody in the State government has the time and the interest and the stature and the ability to insure that State government works properly and efficiently for the people. Each and all of these qualities are necessary, and only the ombudsman has them.

I respectfully urge each of the members of this House to give this simple, workable and valuable concept serious consideration. It has been said that "Life is hard by

the yard, but it is a cinch by the inch." The ombudsman is a worker in inches for the betterment of administrative government and its relationship to its citizens.

I therefore move for the acceptance of the Minority "Ought to pass" Report and concur with the Senate and ask your support.

The SPEAKER: The gentleman from Manchester, Mr. Rideout, now moves that the House accept the Minority "Ought to pass" Report in concurrence.

The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in opposition to the motion made by the gentleman from Manchester, Mr. Rideout. I feel, I feel very strongly that should this Legislature ever adopt any such legislation as is now before it, it would be a tragic mistake. An ombudsman, under this bill as proposed, is at once perhaps a public complainer, or worse still, I believe you will find that he is a one-man civilian review board, a civilian review board, such as there has been so much discussion about in the State of New York, because outlined in this bill is also his right to move against law enforcement agencies. This I think is a very very difficult thing for anyone to do.

Here in the Legislature we pass laws; we expect these laws will be enforced. I don't think that we should do anything to disrupt the enforcement of these laws, particularly where I believe that the passage of this Act would seriously demoralize our law enforcement agencies. This is one of my chief objections.

I think, as you all know, that this office of ombudsman originated several years ago in Sweden. Now Sweden is a homogeneous country. Its population consists almost entirely of Swedes. The population of the State of Maine is made up of a multitude of kindred and tongues. Now I don't know how well the ombudsman is working in Sweden, and really I care less. Sweden is quite far removed. But I don't think that even if it would be working in Sweden, it would be particularly

applicable to the State of Maine. And I will bring to your attention the old adage—"What might be one man's meat could be another man's poison." I feel that it would be very poisonous to the State of Maine and would result in chaos and demoralization.

Now we have gone on for a great many years in the State of Maine and I don't think that we have ever been beset with any serious problems in administration. I feel that we have a Legislature; we have a Governor. I don't think that either of these officers have failed in their duty. I do not think that our various administrative departments have been oppressive to the people of this State at any time. I in my humble way and meager capacity have always found them most cooperative, if there has ever been a problem.

We heard this bill before the Committee on State Government. It was strongly opposed by very many responsible people, and there were a few people who came to speak in favor of it. Frankly it was very difficult to ascertain just why they were speaking in favor of it. They were apparently persons who at one time had some sort of a complaint or a gripe, and in one instance I recall one man his complaint was against the Shell Oil Company. Now certainly this Shell Oil Company has nothing directly to do with the State of Maine. So I am afraid that it rather drew as proponents some that might be considered a little bit on the fringe.

Again, and not to draw this thing out, I believe it is demoralizing for the departments, for the law enforcement agencies. I believe that it could bring chaos out of order rather than order out of chaos, and now, Mr. Speaker, I move that this bill and both its reports be indefinitely postponed.

The SPEAKER: The gentleman from Kittery. Mr. Dennett, now moves that both Reports and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the motion by the gentleman from

Kittery, Mr. Dennett. Not surprisingly, a few people had asked me why I am opposed to the ombudsman legislation as proposed in L. D. 1091. I pose three questions which I will answer.

Number one, who is an ombudsman?

Number two, why has the concept of ombudsman acquired a certain vogue in this country?

And number three, would the concept, as put forth by the sponsor of the legislation, be easily adaptable to our fabric of government?

Certainly convenience and necessity would have to be validated —

(A) Based on the fact that our court systems and judicial processes are not responding to the needs of the people in a complex and changing society. (B) Based on the fact that our duly elected representatives at the executive and legislative levels are not responding to the needs of the people in a complex and changing society. (C) Based on the fact that our appointed administrators and/or officials are not responding to the needs of the people to a changing and complex society.

Why am I skeptical about ombudsman legislation? At the outset, let me put it this way: We are asking ourselves to create an office to be a check on those offices that we created to serve the needs of the people, because we suspect that what we created is not doing what we created it to do. In doing so we can best solve the problems and bring the public closer to our creations by creating still another office, but this office, the ombudsman, will be by our own admission the one thing that was needed — a governmental panacea that will henceforth bridge the relationship between John Q. Citizen and his Government!

Our first order of business and responsibility is to improve and instruct the offices and officers that were created to do the best job possible for the public. By the way, isn't that what the 102nd did? Isn't that what the 103rd is doing? Isn't that what the 104th will be doing? Isn't that what a change in administration attempts to do?

Government and the exercise thereof must at all times be made responsible and responsive to the people who in the first place assigned the governance through the traditional processes that are indigenous to our form of government. Let me stress at this point that we must be cognizant of the possible gullibility or naivete of many people to think the office of ombudsman as a possible cure-all for the multitude of gripes and pretty grievances that are a pre-occupation with all the "Monday Morning" statesmen and policy-makers.

Now back to the three questions. Who is an ombudsman?

Literally translated he is one who represents people, and that is rather interesting. We have 151 of us who represent the people. We have 34 Senators who represent the people. We have a Governor and his administration who represent the people. We have a multitude of duly elected and entrusted representatives who are expected to live up to their trust — period. Walter Gellhorn made reference to the ombudsman as a "National Father Figure." Charles Rabinowitz, writing for the Virginia Law Weekly, February 1967, had this to say: "Any picture of the ombudsman as a bold knight in shining armor riding forth to single-handedly battle against the 'red tape' bureaucracy on behalf of the helpless and arbitrarily treated citizen, is completely inaccurate."

Why has the concept of ombudsman acquired a certain vogue in this country?

It arises from the "changing role of government." Innis MacLeod, writing in the Virginia Law Weekly, February 1967, revealed what everyone is very much aware of that "to an increasing degree, governments are becoming involved with the day-by-day life of the citizen and with the economic and commercial life of the community." "It is undoubtedly true that on occasion administrative law may infringe on the rights of the individual, that the law may be administered in such a way as to do less

than justice to an individual and that a remedy is not always available. The problem we face is to reconcile the legitimate needs of government and the rights of the individual." What are the legitimate needs of government in an overburdened and complex society? "It is strange," as Mr. MacLeod states, "that in our democratic society people should feel that they need protection against the power of the state and that the protection should be sought outside the courts."

And Mr. MacLeod continues by saying that "an ombudsman attempts to apply a rule of conscience as opposed to the rule of law." A rule of conscience as opposed to the rule of law. And he says, "it is trial by public opinion." Trial by public opinion. "A system of justice which depends on one man's concept of what is right and what is wrong will be capricious, uncertain and, unless it develops a set of principles, will not do justice." I fear, as Innis MacLeod fears, that "the establishing of the office would only delay much needed reform of our system of public law." The office of ombudsman could only be viewed as pseudo-judicial redundancy.

Would the concept be easily adaptable to our fabric of government?

Professor Krislov, Assistant Professor of Political Science at the University of Minnesota, offers some good answers. "The diversity and range of American society work against a scheme whose success is founded on publicity and moral authority. The separation of powers is the major objection to development of a personalistic ombudsman. While it would be a worthwhile challenge to our party system to attempt the creation of bodies or institutions with a tradition above party strife, we have not yet achieved such a pattern to any appreciable degree."

I submit that the office of ombudsman is not the harbinger of "protection against the power of the state." Charles Rabinowitz is correct in saying that "when the ombudsman is wrong there may be no outside check on his power."

This is rather paradoxical, for the ombudsman was originally designed as a vital check in a Constitution based on checks and balances. There is a vast supply of literature criticizing one aspect or another of the office. For example, some people, notably Swedish Professor Nils Stjernquist of Lund University, worry about the bureaucratic growth of the office, and its possible loss of personal touch, while others, most notably and significantly Dr. Alfred Bexelius, are more concerned with the gradual lengthening of time in satisfying complaints.

The Swedish Government is particularly concerned with the ombudsman's inadequate inspection schedule which takes ten years to cover the entire administrative and judicial systems, and of a possible over-extension of his jurisdiction."

Now you should remember Dr. Alfred Bexelius is perhaps the best known ombudsman in the world! You must remember that the ombudsman is supposed to be the answer to quick redress of misfeasance, malfeasance, and non-feasance. And yet Dr. Bexelius says and makes reference to the possibility of taking ten years to cover the entire administrative and judicial systems.

Jack B. Jacobs writing in the Harvard Law Record dispels what I just said about misfeasance, malfeasance, and non-feasance. "The ombudsman is a people's public defender agency with a staff of lawyers headed by the ombudsman himself. Although the research is done by a large number of lawyers, the final disposition of each case rests with either the ombudsman himself, or his chief assistant, a deputy ombudsman." And I wish to emphasize once again that Mr. Jacobs is making reference to the staff of lawyers and a large number of lawyers, and this is certainly an indication of the bureaucratic growth that this office would certainly soon fall into.

Now a few notable quotes from John Stuart Mill, the great English philosopher, in his treatise on representative government, and they deserve our attention.

"Every branch of public administration is a skilled business, which has its own peculiar principles and traditional rules, many of them not even known, in any effectual way, except to those who have at some time had a hand in carrying on the business, and none of them likely to be duly appreciated by persons not practically acquainted with the department."

"The proper duty of a representative assembly in regard to matters of administration, is not to decide them by its own vote, but to take care that the persons who have to decide them shall be the proper persons. There is no act which more imperatively requires to be performed under a strong sense of individual responsibility than the nomination to employments."

"The proper office of a representative assembly is to watch and control the government: To compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable, and, if the men who compose the government abuse their trust, or fulfill it in a manner which conflicts with the deliberate sense of the Nation, to expel them from office, and either expressly or virtually appoint their successors."

Vice President Hubert H. Humphrey in his address to the Conference of State Legislative Leaders, November, 1966, offered some very pertinent and timely remarks. I invite you to think about them seriously, particularly as we give deep thought to the changing role of government and the subject of ombudsman. This is what Vice President Humphrey had to say: "How many in this audience recognize that most of the states of the Union have no Constitution that is related in any way to the present needs of our society, or to the structure of our society?" I think most of you do. And if you think State Constitutions are out of date, what about state law? Most of those state laws on the books are related to problems that no longer even exist, and to institutions that have lost their usefulness. There are very few problems, in America that are purely state prob-

lems, or purely city problems, or purely national problems. There are enough problems, enough challenges, enough opportunities in today's and tomorrow's America to keep us all hard at work and we shall do much better working together than separately or even against one another.

And finally, may I state what all of us should be assured is a matter of strict policy: That every Maine citizen or person therein has a right to be heard concerning any legitimate complaint or grievance no matter what government office or officer it may be.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I can't get terrifically excited about this bill, but I would like to say that I feel that our news media and the elected representatives can usually get justice for the individual, and from experience I have had to make complaints about certain departments and when I stuck to my guns and brought the facts out to the public I have received justice, and so have my constituents, so I really and truly can't say that we do need to spend money for an ombudsman. Thank you.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: I want to thank Representative D'Alfonso for adding to my knowledge and adding to my vocabulary, and I go along with him. Thank you.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from Kittery, Mr. Dennett. I feel that when the people elected us and sent us over here to represent them in this Legislature, they did not do it with the intention of us transferring our responsibilities to anybody else. I support his motion. Thank you.

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

Mr. QUINN: Mr. Speaker and Members of the House: Through

the Chair I would like to inquire of the gentleman from Manchester, Mr. Rideout, the size of the appropriation for this bill?

The SPEAKER: The gentleman from Bangor, Mr. Quinn poses a question through the Chair to the gentleman from Manchester, Mr. Rideout, who may answer if he chooses.

Mr. RIDEOUT: Mr. Speaker, this Act would not go into effect until January 1, 1969, so the appropriation is about \$14,000.

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

Mr. QUINN: Mr. Speaker, may I address another question to the gentleman from Manchester, Mr. Rideout?

The SPEAKER: The gentleman may pose his question.

Mr. QUINN: Is there any limit to the size of the staff the ombudsman will have?

The SPEAKER: The gentleman from Bangor, Mr. Quinn, poses a further question to the gentleman from Manchester, Mr. Rideout, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. RIDEOUT: Mr. Speaker, to answer the gentleman's question — in the bill under Section 2508 it says: "Staff and delegation — The ombudsman may employ such assistance as may be necessary to carry out this chapter." Now this is going to be limited obviously by the appropriation that this department would have, and it would be up to the ombudsman to sell the Legislature as to what size staff he thinks or they think he should have.

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

Mr. QUINN: Mr. Speaker and Members of the House: In view of the information I have received both from the bill and from the debate, I'd like to support the motion of the gentleman from Kittery, Mr. Dennett.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Lycette.

Mr. LYCETTE: Mr. Speaker and Members of the House: The other day that most articulate and witty gentleman from Durham said that

the lawyers couldn't keep their traps shut—and of course we took it in the proper spirit; I know they did. I'm thankful that he didn't include such birds as myself, but as I said when I first came down here this year, when I was motivated to a certain extent I had to get up and say something.

I think that you will note in what remarks I have made in this term that I am against escalation of departments in our state, and the same in our municipalities. I think that is apt to happen in this case.

Mr. Dennett, the gentleman from Kittery, verified my belief that this was a child of the Swedish Government and I recently had occasion to read a very comprehensive article on Sweden. Swedish people are a wonderful race of people; I've had a lot to do with them up in our country, they're thrifty, they're smart we know that they're great machinists. But there are some phases of their government that I don't think is comparable to ours. They're more or less—as I remember that article, they're more or less of a socialistic type of government, and I don't believe that what might be applicable there might not be here.

We've had a lot of good things come out of Europe's foreign countries. We've had the bonny Scotsmen, the brawny Irishmen, the gay Frenchmen, the dour Englishmen, the singing Italian, the astute Greeks, and what have you? But we've also had some other things that weren't so good. We've got the European cornborer, the Dutch elm disease, the English sparrow or starling; and in all due respect to those countries, why are so many people over here? They come over here because they like this country and it offered a lot to the people.

There's just one thing—yes there are two things that I do think was awful good that came out of Europe—was the Irish potato, coming from Aroostook, and the other one is the mini-skirt—that came from England, I'm highly in favor of that!

Up until we became embroiled with the wars and carried out the concepts of the Monroe Doctrine,

we kept out of wars pretty well too; but since becoming embroiled with foreign entanglements, it's about all you hear about is war—you hear it right now.

My approach to this thing is entirely different that that of the distinguished gentleman, Mr. D'Alfonso, because he's got a lot of education, but this is from the common man's viewpoint, and while I hate to oppose anything from my good neighbor down in Hallowell, I hope that his move to have the Minority Report accepted will not prevail. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Kittery, Mr. Dennett, that Bill "An Act to Create the Office of Ombudsman," Senate Paper 439, L. D. 1091, and both Reports be indefinitely postponed. All those in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

107 having voted in the affirmative and 21 having voted in the negative, the Bill and both Reports were indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill "An Act relating to Applications for and Marking of Absentee Ballots" (H. P. 215) (L. D. 305) (In House, indefinitely postponed) (In Senate, passed to be engrossed as amended by Senate Amendment "C" S-207)

Tabled—June 5, by Mr. McMann of Bath.

Pending—Motion of Mr. Dunn of Denmark to Insist and ask for Committee of Conference.

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

Mr. McMANN: Mr. Speaker and Members of the House: This bill—it's the third time this bill has been before this House. On April 6 the bill was defeated 96 to 33; on June 2 the bill was defeated 84 to 33, and there seems to be some

persistence that this bill should pass.

I have talked to some of the parties involved and they seem to fear the opposite party — from the majority party. As far as I'm concerned both parties have the same rights on this bill and both parties use it, and I don't think it's anything that's abused by one any more than the other, if there is what some people call abuse.

Now this bill as it's understood — a person would have to go and get them to call to get one application; after they get the application, they would then go get the ballot. In other words, you could not go into a nursing home or into a hospital and get the ballots, applications I mean, for the simple reason you cannot get more than one application at a time.

I oppose the pending motion which is to insist and ask for a Committee of Conference. I ask for a roll call vote, and request that you vote no on the question. Thank you.

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

Mr. ROSS: Mr. Speaker and Members of the House: I certainly don't intend to prolong the debate at any length on this bill. I only will repeat that there are many abuses in the absentee ballot situation.

The original bill had the unanimous support of the Election Laws Committee, but the House voted against it and I accepted that decision, but it came back in non-concurrence with an amendment.

Now on a thing like this it would appear to me that action to adhere is a bit arbitrary. Perhaps nothing can be resolved from a committee of conference, but I believe that it is important we should try to come up with something constructive, and yesterday the gentleman from Denmark, Mr. Dunn, asked only that, that we have a committee of conference.

Now when I presented this bill before the Election Laws Committee, I made the comment that I didn't believe it had very much chance of passage, because to legislators changing the absentee

law appeared like aiming an arrow directly at their political hearts. My prognostication seems to have been about correct. The House evidently is filled nowadays with absentee-getters—all except me, if you will believe my friend the colleague from Bath, Mr. McMann. Friday, during the discussion he made a comment to which I would like to take slight exception, and I quote from the record: "I don't know how Rodney knows so much about what he is talking—he doesn't go out and get them anyway." Well, that is not true; I do always get a nominal or average amount of absentee ballots—perhaps between a dozen and twenty. However, I will admit that Mr. McMann is an expert in this field, and he has collected thousands of absentee ballots. I think that he probably could be called an absentee ballot professional! But, as such I would think that he would welcome certain constructive changes and at least be willing to cooperate to a point—that we insist on our former action whereby the bill was defeated and request a committee of conference, and I hope the people vote for the motion of the gentleman from Denmark, Mr. Dunn.

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

Mr. GILL: Mr. Speaker and Members of the House: I will refer to my glossary for legislative terms.

I have respect for the judgment of my good friend and colleague, the gentleman from Bath, Mr. Ross. However, where Mr. Ross is supporting this motion to insist and ask for a committee of conference, I feel this is a waste of time. Mr. Ross has stated that he feels something can be worked out that will be an improvement. I will say that Mr. Ross's original bill could possibly be considered an improvement compared to the condition that this bill is in now, since it has been amended. However, I go along in the wisdom of the House which has defeated an original bill and has defeated an amended bill, and for that reason I would ask you to oppose the motion of the gentleman from Denmark, Mr.

Dunn, which is to vote to insist and ask for a committee of conference and possibly is just to keep us here another day longer.

The SPEAKER: The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Members of the House: This is simply an attempt to see if something acceptable to the House can be worked out. That is all.

The SPEAKER: The question before the House is the motion of the gentleman from Denmark, Mr. Dunn, that the House insist and ask for a committee of conference. The yeas and nays have been requested. For the Chair to order the yeas and nays it must have the expressed desire of one fifth of the members present and voting. All those in favor of a roll call will vote yes, and those opposed will vote no, and the Chair opens the vote.

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 Denmark, Mr. Dunn, that the House insist and request a Committee of Conference. All those in favor of insisting will vote yes, those opposed will vote no, and the Chair opens the vote.

#### ROLL CALL

YEA—Allen, Baker, R. E.; Belanger, Benson, Birt, Boudreau, Bragdon, Brennan, Carrier, Clark, Cookson, Cornell, Crosby, Cushing, D'Alfonso, Danton, Dunn, Evans, Farrington, Foster, Fuller, Gaudreau, Hall, Hanson, H. L.; Hanson, P. K.; Harnois, Hawes, Hichens, Hodgkins, Hoover, Huber, Jannelle, Jewell, Lewis, Lincoln, Lycette, Miliano, Mosher, Nadeau, N. L.; Pendergast, Pike Porter, Prince, Quinn, Rackliff, Richardson, H. L.; Rideout, Ross, Scott, C. F.; Scribner, Shute, Susi, Thompson, Townsend, W a t t s, White, Wood.

NAY — Baker, E. B.; Bedard, Binnette, Bourgoin, Bradstreet, Buck, Bunker, Burnham, Carey, Carroll, Carswell, Champagne,

Conley, Cote, Cottrell, Couture, Crockett, Crommett, Curran, Dennett, Dickinson, Drigotas, Drummond, Durgin, Edwards, Eustis, Ewer, Fecteau, Fortier, Fraser, Gauthier, Gill, Giroux, Hanson, B. B.; Harvey, Haynes, Hennessey, Hewes, Hinds, Humphrey, Jalbert, Jameson, Keyte, Kilroy, Kyes, Lebel, Levesque, Littlefield, Martin, McMann, McNally, Meisner, Minkowsky, Nadeau, J. F. R.; Quimby, Richardson, G. A.; Robertson, Roy, Sawyer, Scott, G. W.; Shaw, Snow, P. J.; Soulas, Starbird, Sullivan, Tanguay, Trask, Truman, Waltz, Wheeler, Wight, Williams.

ABSENT — Beliveau, Berman, Bernard, Brown, Darey, Dudley, Harriman, Healy, Henley, Hunter, Immomen, Lewin, Maddox, Noyes, Payson, Philbrook, Robinson, Rocheleau, Sahagian, Snowe, P.

Yes, 57; No, 72; Absent 20.

The SPEAKER: Fifty-seven having voted in the affirmative and seventy-two in the negative, the motion to insist does not prevail.

Thereupon, the House voted to adhere.

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

HOUSE MAJORITY REPORT (8) — Ought Not to Pass — Committee on State Government on Bill "An Act relating to Increasing Revenue of the Liquor Commission" (H. P. 1031) (L. D. 1497) — MINORITY REPORT (2) — Ought to Pass.

Tabled — June 5, by Mr. Starbird of Kingman Township.

Pending — Acceptance of either Report.

On motion of Mr. Levesque of Madawaska, retabled pending acceptance of either Report and specially assigned for Thursday, June 8.

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

Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1968 and June 30, 1969" (S. P. 597) (L. D. 1575) (In



House, adopted House "A" (H-381) and "B" (H-382) to Senate "A" (L. D. 1682) (In Senate, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence).

Tabled — June 5, by Mr. Benson of Southwest Harbor.

Pending — Adoption of House Amendment "B" (L. D. 1689)

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: In support of the pending question which is the adoption of House Amendment "B", which is before you as an L. D., 1689, I should like to bring to your attention some facts that I think perhaps are being overlooked, and I think that they are of tremendous significance to us in attempting to make an intelligent and fair decision in this area.

In this year of 1967-68 elementary expenditures are estimated to be \$331.81 per pupil. The state is subsidizing on the basis of an expenditure of \$255.00 per pupil. The state is not subsidizing even on an average per pupil cost.

In 1968-69 — that's the second year of the biennium, the average elementary expenditure is estimated to be \$354.21. The subsidy law change proposed by the Republican Party, even with the passage of this means that we will not be subsidizing the average expenditure at the local level. The situation is critical, and for us to say that the sales tax is not necessary is simply and very plainly ladies and gentlemen — untrue.

It has been suggested that this program that we suggest helps the wealthy and penalizes the poor. This is patently false, and any examination of the facts will show that it's false. An analysis of ten wealthy places as compared to ten poorer units indicates that while the wealthy places get a subsidy increase averaging 20.8 percent, the poorer places get an increase averaging 34.3 percent, or that is to say, that the poorer towns have increases which are 64.9 percent greater than the increases to the wealthy towns.

I have a list here of the towns involved in making this analysis and I don't desire to embarrass any of these towns by drawing them into this area, but I state to you as a fact and I have the figures which I'll give to any Member of this House who wishes to look at them, indicating that the statements I have just made are true; that an objective, random sampling of towns and SAD's in the State of Maine indicates that this statement that the wealthy are getting richer and the poor are getting poorer, is simply false.

It has been suggested in a news conference which was held today by the Chief Executive, which I have no intention of attempting to answer — I think it would be presumptuous of me to attempt to do that, it's been suggested that in my presentation to you yesterday I was speaking as an individual legislator — not true; I was speaking to you on behalf of the Republican Party and the Republican leadership specifically. When I say to you that the cost of the foundation program has been grossly exaggerated — when I say to you that the cost of this program in the '67-69 biennium is about 9.7 million as I explained to you yesterday, and that in the '69-71 biennium its calculated cost will be approximately 11.5 million, I stated to you the facts as presented in the memorandum to me from Asa Gordon of the Department of Education. Nothing that the Representative from Limerick, Mr. Carroll, has read, and nothing has been distributed, to indicate any retraction at all from that statement.

When we demonstrated to you by objective facts and figures on these charts, and in the information I gave to you, we invited debate — I invite it again during the next few days when these matters involving education, involving the financing of state government, should be paramount in our consideration.

The charts which I used yesterday are prepared on information taken from budget documents and from Controller's reports. The suggestion that these figures are

not authentic is completely without foundation. These are the figures—these are the facts, and I would invite all of you to give it an impartial look and you tell us if we're wrong. Thank you, Mr. Speaker.

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

Mr. SCRIBNER: Mr. Speaker and Members of the House: The gentleman from Cumberland, Mr. Richardson, has certainly made a very fine request; I hope that every Member of this House does take advantage of his invitation to examine those charts and figures and to do it impartially. I have done so and I would like to report to you on the results of my observations on the basis of these figures.

I'll try to be brief as I know it's a subject that is certainly beyond the comprehension, if you go into a great amount of detail, of every member of this House, but there are a number of major points which I believe should be brought to your attention.

The first item on Chart A which the Majority Leader presented yesterday—there is no quarrel with the total figures, it is merely a recap of the Governor's presentation with one or two small changes amounting to \$100,000 in some of the different bars. There is an explanation for that but it is not significant so I will not go into it, it is very minor in terms of the total number of dollars involved.

On Chart B which the Governor—which is another presentation of the Governor's figures, the only addition to this comments referring to subsequent charts. Those items are valid on Charts A and B.

On Chart C there are a couple of items there which have many references to the fact, true, corrected, that type of thing involving amounts which are a little greater than on the first one involves \$400,000 to \$500,000. These are items which the Majority Leader pointed out that he took his figures from the budget documents and the Controller's Reports but he did not take into consideration the intent of the law on some of these items involving four or five hun-

dred thousand dollar figures and which they are not—there are items in there which are not considered expenditures, special items of transfers and debt service, the information on the reconciliation of these items is available from the Budget Office and I would urge you to inspect them if there is any question in his mind as to whether the figures originally presented were correct or not in those terms.

The next Chart D there is a comparison of the Governor's program with something which is titled "What is the Alternative?" and it comes to a program and has a total of 244.5 for the Governor and an alternative 242.8. I would like to comment on this, one set of bars includes the capital program and another set of bars does not, if we are considering a capital program of somewhere around \$20 million I believe to compare sets of figures, one including a capital program and one that does not certainly has no validity whatsoever, and I would invite you to examine Chart D in that respect.

The next Chart is the presentation Chart E showing the amounts of surplus available in the various years. There is no question but what it shows that we have been doing fairly well, we haven't had a deficit lately, the surplus has ranged from 3.3 in the lowest year of the Chart covered to 14 million in another. This is fairly good information that we can use for planning that such a thing as surplus normally occurs, but then it is not stable, it is about the only important piece of information there.

On the next Chart F he uses—plans on using \$6½ million from surplus for debt retirement. As I will get to in a few minutes on some of the other charts, there are excessive projections of revenue which I will explain at that time, to me it is completely inappropriate to come out and anticipate surplus when on the preceding chart it has been pointed out that in 1965 the surplus was only \$3.3 million. To anticipate surplus to meet our payments on our debt of 6½ has been proved we do not have a \$6½ million surplus every year, this money is not available from

surplus, it will have to be raised from revenues. To my way of thinking, debt service is one of our first obligations, the State of Maine has to be an honorable creditor—debtor rather. We have to make payments on our debt and I feel that this type of projection is very misleading. On the memorandum that was distributed from Asa Gordon, he points out that it is very difficult financially to project these. He does give a figure of—for the total anticipation of—for the school subsidies of between \$3 and \$85 million. On that I would like to point out to the members that to maintain the present levels the Governor projected in his budget it was \$62 million to the nearest million, this would come up with 22 or \$23 million depending on what figure you select for an anticipated increase over the next biennium. The balance of the latter it is a little difficult to read and follow the intent but you take the amount that's to be current requirements and subtract it from the figures I believe an accurate figure can be obtained.

Chart G holds that school subsidies are a percentage of the amount which the State expends for state colleges and vocational schools. To me I don't believe there is any validity in this type of reasoning, you are talking about two entirely different types of expenditures, the needs of higher education are certainly not consistent with the needs of school subsidies and many variables have to be entered into it and to base a budget projection on this without any backup for the figures as projected for the vocational schools and the state colleges, which I feel to be very low, is certainly unsound, there is nothing in this that gives the other half of the picture and I think the other half of the picture is quite important and I would hope that the Majority would explain at some point just what the breakdown is on these expenditures for state colleges and vocational institutes which he used as a basis for deriving what the school subsidy should be. I believe the amount is practically a slight increase over what we are currently

spending and certainly we are all aware that two years from now the amounts that we appropriate now are not going to be sufficient for the State Colleges and the vocational institutes. It was also used in producing the projected revenue gap a reduction of \$1,250,000 in the appropriation for the University of Maine based on a letter from Dr. Young who is the President. I find that his letter refers to some other figures which are not available and I am not sure, I would like to see this letter clarified which has not been available to be done yet. I hope to have something on that but that does involve \$1 million which is still to be clarified.

On Chart I which is proposed to be the number of exceptions to the total of \$405,000 in computation of expenditures and appropriation trends, these figures can be explained in the same manner as the original ones, and what appears in the Controller's Reports and the Budget documents have to be considered in the light of the statutes, you have to have the statutes in one hand and the financial information in the other to determine whether everything that is in the Controller's report should be classified as a current expenditure. There are a few items that are not. I believe a reconciliation of this can be made quite readily and it is available at the Budget Office.

On the last two charts, Chart J is a projection of sales tax trends. This supposedly will amount to an increase in additional revenue of \$12,100,000. I would like to point out for the benefit of the members of the House that these figures have been unadjusted for changes in the tax law since 1964 which is the original year. For example, it compares every year with the figures taken directly from the reports which is another case in which the law is very important. The last session we expanded the sales tax to cover telephone and telegraph. They are comparing years for the purpose of developing a line graph in one year which has telephone and telegraph and another year which does not. Every session we make changes in the law to do this and every year

the trend has been that we increase revenue by changes in the tax law, then to compare these years directly unadjusted is statistically invalid. We cannot do this and come up and say without any further changes in the law this line is going to produce the revenue that we desire, this to me is a concept which is entirely foreign to me and is impractical. I question it very seriously, Mr. Speaker and Ladies and Gentlemen.

The next chart is a projection of general fund undedicated revenues less the sales tax. On that chart the same item, the same mythology was followed. All of the years were taken directly from the financial reports with no regard to the changes in the law which produced those changes. It was considered these items were economic increases; they were not economic increases, we changed the law, we changed it the last session, we changed the cigarette tax, we changed a number of other items regarding taxes; to conclude that a change in the law is an economic increase I ask you ladies and gentlemen of this House, is this valid, is this the type of thing that anyone is proud—there is no name on it, I would like to see a name on it because I very seriously question these and I hope that every member of this House will take a few minutes to go over these charts and to compare them with some of the figures which are available and ask yourself is this a valid assumption. I say no.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Members of the House: I think probably this morning you'll bear with us for a little while longer as the importance of this issue that comes up before us. I think the gentleman from Portland, Mr. Scribner, has pointed out some of the areas of contention as the presentation that was made yesterday by the gentleman from Cumberland, Mr. Richardson, and as the gentleman has pointed out, they merit the close observation of each and every member of this House.

I have a few little remarks that

I would like to make this morning and first, probably I'll quote from the note that was distributed to each and everybody's desk, and the word is persuasion. To be truly persuasive you must take the trouble to win people rather than dominate them; you must offer opinions — not dictate them. The persuasive person knows how to disagree without becoming disagreeable. Those remarks were prompted by possibly my reaction yesterday, and the reaction of the gentleman from Cumberland, as to my remarks that I made yesterday in the record, of not being in proper prospect because of visitors being in the balcony.

I think probably I have tried to be as persuasive in dealing with the Minority Party and other members of the other Party in trying to arrive at what we consider is a fair solution. So far, we have been unable to agree.

I have a few notes here that were taken from the records of 1961, and those notes from the records are made by a distinguished member of this House, now and then, and has been distinguished in this whole state as being a Statesman for the whole State of Maine. And the remarks read as follows:

"The SPEAKER: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

MR. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I am very strongly opposed to an increase in the sales tax at this session. I do believe in progress, but I believe in progress with prudence. I think and believe that savings can be made in the supplemental budget. I think they can be cut back where we can buy them without a major tax. I have expanded myself to the point of making concessions and will vote for piecemeal taxation that we may have, as sometimes is called, progress.

It alarms me and it alarms many people in the State of Maine to see our current services expanded each biennium. It disturbs me to no end, even though I appreciate the continuing spiral cost to individuals and when we speak of individuals we are speaking of the taxpayer. I will oppose this in every reading. Should a reading come up and all

of those who are really, earnestly resistant of an expansion of the sales tax should vote with the gentleman from Liberty, Mr. West-erfield, . . .”.

And, those remarks, were in the Journal on Page 3012, June 7, 1961.

Further remarks by the same gentleman:

“MR. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: I would feel remiss in my duties as a legislator if I did not vote against the motion of the gentleman from Pittsfield, Mr. Baxter. Not only vote against it, but be very vocal in opposition to this tax measure. There has been some question among the members as to our progress in the State of Maine, and I think if you have reviewed the history of the State of Maine in the last five bienniums we have doubled our budget, doubled our spending in the State of Maine. It has cost money to do it. My firm conviction is that there is a time when one must stop doing it. This is a good time, ladies and gentlemen, this session to at least draw in our belts and hold the line. We will still be getting an increase of about nineteen million over the last biennium if we do pass some of the piecemeal taxation before us.

I am disturbed as I know many of you are, I have mentioned that the services have doubled in amounts of money, and we all know that the gross per capita income has not doubled in the last ten years, far from it. These same people, ladies and gentlemen, are going to pay the tax. These same people are burdened with other taxes; they have the real property tax, they have excise taxes on gasoline, cigarettes, and I could go on and on. But you all know about this, I don't need to review it. In the State of Maine we have a great number of people who are living on a fixed income. We encourage those people to come to Maine and retire. We should take them into consideration before we take steps like we are considering here today.

It has been mentioned on the Floor of the House even this morn-

ing that if we pass this tax it will be a milestone in the history of Maine; but I say to you ladies and gentlemen, it is going to be another millstone around the necks of the taxpayers of the State of Maine. I recommend that we defeat this measure here before us this morning, ask the leaders to send the supplementary budget back to the Governor, we have full trust in him to allow him to adjust it for what he thinks are the dire needs of the people of the State of Maine and we buy it when it comes back with the money that we give him by taxation.

Some have expressed concern over their legislative documents in the other branch. I have no fear for legislative documents in the other branch and neither should you, ladies and gentlemen, because there's going to be money by this piecemeal taxation to pay for all of them, if the Governor will pare his supplementary budget back to the figure that we give him, and allow us to take home our legislative documents that bear an appropriation. He is an honorable man, he is not going to be vindictive, he's not going to hold these documents over your head in the last hours of the session, of course not. I wonder how many of us, ladies and gentlemen, over the weekend have been weakened by the siren cry of the proponents of this measure to the point of irresponsible spending, and I believe it is irresponsible spending if we are to buy the whole package. Or have we been strengthened by the desperate wail of the electorate to stand firm in opposition to the demands of the unsympathetic and ever increasing bureaucracy that we have here in Maine? Our population has not increased in the last ten years. We have the same number of people, the same number of people will be paying the bills.”

For those of you — and those remarks ladies and gentlemen of this House, were made by our distinguished Speaker, David Kennedy in 1961. Ladies and gentlemen of this House, at that session of the Legislature if you will recall the gentleman sitting in this seat

labeled the members of the loyal opposition as a little animal called the Leopard with the black spots, and that the black spots had not changed.

I feel very confident that the leopard's spots have not changed because I don't feel that the Minority Party at this session of the Legislature can embark on this type of program as proposed by the Republican Party at this session of the Legislature. By using persuasion I am very sure that we can come to an agreement; we can come to a firm agreement that will be good not only for the Republican Party, or the Democratic Party, but will be good for all the people of the State of Maine, so that they may not be saddled with the two-year tax to pay for a relatively one-year program.

As I pointed out yesterday, changes have been made in the last fifty years — and my old story about the little lady who got up in church to ask a question of the priest. Well possibly over the last fifty years the Minority Party has not been strong enough to oppose any of the Republican proposals, because regardless of whether they opposed it or not, the answer would always come back to us — we are the Majority Party, and we're running the shows.

On a few occasions, somehow or other, that has failed and namely, the 101st Legislature, because some of the Democrats had to go along and vote with the Republicans in order to pass their programs. Those of you that were here then remember after that was passed the flowers were being distributed as a point of victory. I don't think this morning flowers will be distributed as a point of victory.

I think possibly the same gentleman that labeled the Democratic Party at that session of the Legislature, a fellow by the name of Mr. Baxter from Pittsfield, also labeled not only the Democrats, but some of his Republican friends as playing a shell game. Now those words could only come from the mouth of a Republican — that a coalition of Democrats and Re-

publicans would be accused of playing a shell game.

You have seen before you over the last few weeks numerous editorials from widely distributed daily newspapers against the possibility of increasing the sales tax to five percent. I think this is probably a true sentiment of the majority of the people who are the taxpayers of our State. Somehow or other I find it quite unfortunate that we don't have at this session of the Legislature, and you will probably remember it, a labeled economy block. I think possibly that has not happened because the Democrats were not about to start an economy block, the Democrats of this House only felt that the Governor's proposals and the Governor's increases in operating of state governments were just — they were fair — and we as Democrats will stand behind the Governor and his proposals as were projected by the Bureau of the Budget by the paper that was presented before you this morning and signed by Senator Floyd Harding.

So ladies and gentlemen — this morning when this vote is taken in the adoption of House Amendment "B" I ask for a roll call.

The SPEAKER: The Chair requests the Sergeant-at-Arms to escort the gentleman from Bath, Mr. Ross, to the rostrum to serve temporarily as Speaker.

Thereupon, Mr. Ross assumed the Chair as Speaker pro tem, and Speaker Kennedy took a seat on the Floor of the House.

The SPEAKER pro tem: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker and Members of the House: Pursuant to the remarks of the Minority Floor Leader this morning, just about demands that I come to the Floor to answer.

I am delighted that I was so eloquent in those days—I hadn't remembered.

However, I'll point out to the Members of this House on both sides of the aisle, that in 1961 we were faced with an entirely dif-

ferent problem than we are here in this session of 1967.

I'll call to the attention of the members who were here, and to those that were not here that in 1961 we did not have a revenue gap of current services and current revenue. I'll point out to the Ladies and Gentlemen of this House that in this session we are faced with a gap of at least \$17 million dollars in cash and other revenue measures pending such as increasing the cost of the tax on liquors and increasing the estimates on revenue. We were not faced with this problem, Ladies and Gentlemen, in 1961, and I will point out also to the members of this body that in 1967 our economy is considerably different than it was in 1961. I will point out to you that the minimum wage at that time was very minor if we had one at all on the State level, and compare it with the State minimum wage of today and as proposed at this session. I will point out to you also that the National economy of today is considerably greater than the National economy of 1961. I would not be standing here today were I not a responsible Legislator asking for an increase of one cent in the sales tax, bringing it up to five, because I personally believe this is responsible legislation. I have never advocated a tax on the Floor of this House that I did not feel was justified—one that I did not feel was needed, and I say to you, that the program as outlined by the Governor is unrealistic, and the public knows this, because I have commented this to the Press.

I won't say it's dishonest—I say it's not realistic. His tax measures have folded by the wayside—it hasn't been all Republican doings—I'll point that out to the Members of this House. It would take as many votes to recall these measures from the legislative file as it would to enact them—a two-thirds vote. We, Ladies and Gentlemen, are faced with a problem. We are caught on the horns of a dilemma; I feel that our Governor—our young Governor, has been misled and misadvised, because I believe he is an honest, sincere

Governor and wants to serve the people and the citizens of the State of Maine on all levels, education, welfare, labor and industry. I think it's high time Ladies and Gentlemen that we made a sincere attempt to do something to bridge the gap between considered appropriations and revenue.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: I'm quite disturbed, and sometimes a bit confused. However, I have a number of memorandums here. Now if you need a plumber, one doesn't go out and hire a carpenter. If you need a doctor, you don't go out and hire a plumber. Now I have a tremendous amount of respect for the Majority Leader of this House, but in this instance we apparently need a CPA accountant on balance more than we need a lawyer.

I submit that my fellow representative from Portland, who is a CPA and an accountant and if I were dealing in the field of law I certainly—if I needed a lawyer I wouldn't go out and hire an accountant, but in this instance we apparently need an accountant more than we need a lawyer.

Mr. Richardson from Cumberland made certain comments yesterday, and as I've stated before I am against an income tax at the present time; I am also against raising the sales tax, and the learned gentleman from Cumberland, Mr. Richardson, yesterday when he got up when I stated I believe taxation should be on ability to pay, the gentleman said I was in favor of an income tax. During the last weekend I talked with three of my good friends in the Republican Party who know something about taxation, and those three have plenty of money. And I also talked with another gentleman in the Republican Party—at this time I don't like to point him out in any specific fashion, and he agrees with the other three.

Now I think it's about time we started at the bottom, and when I witnessed over the past number of years the way that money is appropriated here for things that are

absolutely, in my opinion, absolutely unnecessary. At this particular time I will just point out one of them, that adds to the cost and adds to the load on the taxpayers of this State. I'll just give one example. I could give many.

The Legislatures for years have come up with various propositions, people in both Parties, to add to the burden of the taxpayers of this State, I'll simply give you one.

We had some research committees during this past few years. One of those committees with the various branches spent \$287,000 of the taxpayers' money, and after going over those figures and going up and talking with the Controller, that and others like them are not audited. That's a rather unusual situation. Now, it's my considered opinion that about \$200,000 of that was pure unadulterated waste.

Now that's just one example — I could go back—I won't at this particular time, through various Legislatures and the same thing has happened. Now before we start adding another burden onto the taxpayers of this state, particularly the low-income people, I submit that it's about time that certain individuals in both Parties started to practice a type of more economy—a type of more efficiency; then in my opinion, we would not need additional taxation. I will submit to this House, and particularly to the Majority Leader these suggestions that came to me from four Republicans, three of them I would consider very wealthy.

I'll mention two—I could mention a few others. We have no corporation tax in this state, so we should think about having a corporation tax based on just an inequity, those big tremendous corporations and most of them today are making more money and more profits than they ever did before, and if we should put in a corporation tax, of course the small corporations should be taxed at a very minimum amount, but big corporations should be charged an equitable amount.

I also submit as another suggestion that inheritance tax in this state could be raised because our inheritance tax is I think the low-

est in the country. Now I could go on and name two or three others, and I am frankly a little disturbed when this learned lawyer, Mr. Richardson, comes up and seemingly portrays himself as a CPA. Now he is only human just like I am myself. I make plenty of mistakes—probably after what happened yesterday, I'll try and make fewer, and when I listened to a number of the things he had to say I'm obliged to say that I think he's made a number of errors—and don't forget—he is no accountant!

Now—come on, let's all be just and fair; let's all do what we're supposed to do here — protect the interests of the majority, and that majority is not going to be helped, and the majority of people in this state if it was put to a vote of the voters, they don't want any additional taxation at this particular time of any kind, and particularly not a sales tax, and the merchants of this state, and particularly I know the merchants in my area are absolutely against a sales tax. Now first, let them practice a little bit of economy. I mentioned the \$287,000 research, and I took those up in my room up in the Augusta House and they reached from the floor to my shoulder on beautifully high-priced, embossed paper and making a check-up in both Parties and in the Augusta House there's about, oh four or five Republicans for every Democrat—so let's not be fooled, kidded, by this false propaganda that has been issued by the leadership of the Majority Party in this House. We do not need—again I repeat—we do not need an income tax, we do not need a sales tax—we do not need any additional taxation in this state; the people are already—the big majority of them are overburdened with taxation, and all you have to do is go out and talk with people, and when with this camouflage they tell you it's going to reduce the property taxes—anybody with any common sense knows that's pure, unadulterated hokum! And I am one hundred percent against any sales tax, or any major tax at this particular time. Thank you.



The SPEAKER pro tem: May the Chair first of all interrupt debate for just one moment to refresh the memory of the House as to the status of Bill 1575. This was amended by Senate Amendment "A" as amended by House Amendment "A" and House Amendment "B" thereto. Those have been adopted. The motion now before the House is the motion of the adoption of House Amendment "B" which is printed as L. D. 1689, and the Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Members of the House: In view of the remarks made by the distinguished gentleman from Milbridge, Mr. Kennedy, as to how different the situation is today than it was in 1961; when you look at it politically the difference between the year 1967 and 1961 is that the Republican Majority Party now had more than two-thirds of the votes in the House. In other areas of his remarks he pointed out that the economy of the state now justifies an increase in the sales tax. I fail to see where the economy of one state, namely this State of Maine, is a justifiable reason for increasing the sales tax by one per cent or a major tax. I think probably the Governor's proposal that was before us pointed out that there was no need for a major tax increase; so therefore, I would like to ask a question through the Chair to the gentleman from Milbridge, Mr. Kennedy, when he remarked that the Governor's proposal had fallen by the waysides, I would like to ask the gentleman from Milbridge, Mr. Kennedy, of just how sincere an effort the Majority Party had made in promoting the Governor's program, or if they had made as sincere an effort in passing the Governor's program as they have their own?

The SPEAKER pro tem: The gentleman from Madawaska, Mr. Levesque, has posed a question through the Chair to the gentleman from Milbridge, Mr. Kennedy, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. KENNEDY: Mr. Speaker and Members of the House: I would feel that the Republican Party had made a very sincere effort to help assist the Governor in passing his program. Had all Democrats voted for the Governor's program with the forty-five votes offered by the Republicans, we would have at least accepted the reports and gone on to engrossment. Had the Democratic Party stayed with the Governor, I can assure the Minority Floor Leader it would be the responsibility of the Republican Party to see to it, with absolute assistance from his own Party to see these bills enacted.

Mr. Levesque of Madawaska was granted permission to speak a third time.

Mr. LEVESQUE: Mr. Speaker and Members of the House: I am just wondering if it's only by coincidence—and I repeat—only by coincidence, that the Minority Party had 56 votes in the House and the Republicans furnished 45 votes in the passage of the Governor's program? If it would be by coincidence it would be by a strange coincidence, certainly, that even in the 101st Legislature that they had better than two-thirds, or quite a bit better than two-thirds votes in the House, but then had to have Democratic support to pass their programs.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker and Members of the House: There has been a lot of debate concerning the validity of figures in relation to the school subsidy cost. I have a letter here from the Office of the Governor, which I wish to read to the House, and I invite the Majority Floor Leader to read this if he so desires, and—we haven't had time to reproduce this for members of this body, but we will do so, but—the letter: "State of Maine, Office of the Governor, Augusta, Maine, June 6, 1967. Mr. Asa Gordon, Department of Education, State Office Building, Augusta, Maine. Dear Asa: Would you kindly confirm the school subsidy cost by inserting your estimates below. Governor's program for the 1967-68 biennium,

\$61,837,578. 1969-1970, 1970-1971 biennium—Governor's program—\$65,000,000. Increase over the Governor's program as proposed in L. D. 1682, 1967-1968, 1968-1969 biennium \$9,900,000. 1969-1970, 1970-1971 biennium, \$19,000,000."

The increase as proposed by the GOP program over the Governor's program, and this increase over the 1967-'68, 1968-'69 biennium is \$22,162,422 — it is not eleven and a half million. I repeat, the increase for the 1969-1970, 1970-1971 biennium as proposed by the GOP program in L. D. 1682 in relation to school subsidy costs is \$22,162,422. We will have this letter reproduced and placed on the desks of all the members of the House, and if I may just make a couple of points, because the distinguished Speaker from Milbridge, Mr. Kennedy, had made reference to our distinguished Governor that his program is not realistic.

The percentage of increase from the 101st to the 102nd Legislature in money was approximately 16 percent. If you will recall after the adjournment of the 102nd Legislature under the leadership of the Democratic majority in the Legislature and the leadership of a Republican Governor—the editorials referred to the 102nd Legislature as the fecund Legislature—the fruitful Legislature. Now, the increase as proposed by our distinguished Governor from the 102nd Legislature to the 103rd Legislature is also 16 percent, and I submit that this is a realistic program in view of the fact that the plaudits received by the 102nd Legislature were universal throughout the State.

The second point I wish to make is the fact that with all the talk and debate we are actually talking about two critical issues. The difference between the 244 million dollar program as proposed by the GOP, and the 227 million dollar program as proposed by our Governor, and that is bonding. There it is a question of philosophy, but I would remind this House that at the pre-legislative conference prior to the 102nd Legislature, to the man, the educators said that bonding for bricks and

mortars is a legitimate way of taking care of our educational problems in that particular field, and the other is, our differences as to whether or not we should or should not have a sales tax, it is a matter of philosophy with us, the Democratic Party, we will stick to, I am sure, the realistic program the 16 per cent increase over the 102nd Legislature and we will stick to the bonding program because I have yet to hear responsible people say that it is not worth doing.

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

Mr. SCRIBNER: Mr. Speaker, I would like to pose a couple of questions through the Chair to the gentleman from Cumberland, Mr. Richardson. I see the L. D. 1689 which we are presently considering is under his signature. I'd like to question him first why on the first page of L. D. 1689, \$50,000 for the Bi-state Commission on Oceanography was deleted from the budget. The Appropriations Committee considered this was an appropriate use of state funds—it's an on-going program in oceanography that we've had — a subject about which we've had a great deal of interest lately, and yet this amendment proposes to delete all the funds for an organization which is now set up and running and working in the field of oceanography.

Question number two, relates to section F on page 2 of the Bill which reads as follows: "Dedicated revenues. From the total revenues collected from the sales and use tax, including the increase in the tax provided by this Act, 1/10th of the revenues is dedicated each fiscal year for general purpose subsidies to cities and towns." This will amount to between 5 and 7 million dollars a year, and there is no responsible authority on governmental finance today that have indicated additional dedicated revenue funds. We have enough problems with the Highway fund. I fail to see any merit in establishing a dedicated revenue fund from our one major source of income into the general fund. Once this is in here the tendency is going to be

to increase it, and it's going to result in serious hardships on everyone that has to deal with state finance in the future if we establish a dedicated revenue fund out of our major source of revenue.

The SPEAKER pro tem: The gentleman from Portland, Mr. Scribner, has posed two questions through the Chair of the gentleman from Cumberland, Mr. Richardson, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I am delighted to answer the questions asked by the gentleman from Portland, Mr. Scribner. On the first page of 1689 you will note that my amendment removes \$50,000 upon the basic budget document which of the basic financial package, L. D. 1575, why does it do this? Because the State of New Hampshire has indicated to the State of Maine in clear and unequivocal terms that it's very interested in getting together and having a nice oceanographic program as long as it's in the Portsmouth-Kittery area. It's very obvious, and those most directly concerned with oceanography have stated this, Dr. Coles of Bowdoin College, a distinguished figure in oceanography in the State of Maine and in the nation, in a speech last week indicated that we had better go ahead and make our own plans now and make our own progress now.

The Republican program for oceanography which is not an underwater DED — one individual sitting somewhere in the State House thinking sincerely about oceanography, the Republican program involves an expenditure of in excess of \$800,000 to increase an already existing program of the University of Maine being carried out at the Ira Darling Research Center. The intention is to give this marine biology research station the necessary funds to carry out an already well-planned and well-organized program. The future for oceanography in Maine is a great one, but it is the feeling of the Republican leadership that the

\$50,000 for the Bi-State Commission, while we laud the attempt to have the two states to join together, isn't just a realistic expenditure in view of the present attitude of the State of New Hampshire. Would you not suggest abolishing the Commission, and to continue we simply say that it's inappropriate for us to spend our hard-earned money on programs in view of New Hampshire's present attitude.

Secondly, the question of the gentleman from Portland on the sales tax. One half of the increase in the sales tax by this L. D. is dedicated to be returned to the towns and municipalities. The reason for this is that we want to make it very clear that the basic thrust of our program is to continue the legislative commitment that we have made in the past to Education, and at the same time take the heat off an already dangerously overheated property tax.

And if I may, Mr. Speaker, if I'm departing from the subject matter raised by the questions, I want to point out one more thing if I may. We're talking about built-in revenue gaps and this letter, I assume from the Governor, is again comparing apples with grapefruit. The total overall increase, adding bienniums together, will give you all sorts of figures. The basic fundamental fact of the matter is that the Governor, in telling us we had a revenue gap of \$46 million says that twenty-five million of it which is a consequence of the Foundation Program, and that's absolutely false. The built-in increase is eleven five.

Finally I would remind you that even if you take the Governor's figures and talk about a revenue gap of forty-six million, which we disagree with, the 102nd Maine Legislature, ladies and gentlemen, built in \$83,500,000 of increased cost. We ask you to have the courage to finance the programs that were undertaken by the 102nd and to have the courage to finance the programs that everybody in this House in his heart knows are the correct and only things for us to do for Education. We ask you only

to have the courage to vote for that progress and to vote to meet the commitments that were made but not honored by the 102nd and that should be made by this session.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I have no intentions today of getting embroiled in the argument of whether or not the sales tax is justified for the State of Maine or not. I will go at some length on final enactment on this bill. But I do want to answer a comment or the comments made by the gentleman from Cumberland, Mr. Richardson, in regards to the oceanography portion of the L. D. He quoted Dr. Coles and I wish to quote Dr. Coles on the other side of the angle. Dr. Coles appeared before the State Government Committee last week on an oceanography measure and we asked him then, "Was he in favor of the Bi-state Commission on Oceanography?" His answer was in the affirmative. He was then asked, "Do you think that we should spend some money to participate with New Hampshire in developing oceanography around the Portsmouth - Kittery area?" And the answer was in the affirmative.

And he also further commented that he thought it realistic on the part of Maine to develop its own program, because it was necessary for the people of New Hampshire—not necessarily to support the entire Bi-state Commission of the program for the State of Maine, because if you will recall New Hampshire has a coastline somewhat shorter than that of Maine.

The gentleman from Cumberland, Mr. Richardson, seems to indicate that the Republican program offers a great deal for us in the field of oceanography, to the tune of \$800,000. The Oceanography Bi-State Commission would have requested \$50,000. There is one question that can be pointed in the relationship of \$800,000 to be spent in the field of oceanography, which supposedly would go to the University of Maine, and I

happen to be an alumnus of that University. The question is this — what programs or program has been developed to spend the \$800,000, or is it merely going to be a bonanza for someone at some research center along the Maine coast?

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: I am a little bit disturbed when that very learned lawyer from Cumberland, Mr. Richardson, makes some statements about property taxes. Now I'm not going to name names, but I'm going to point out some things to him if I may. In one of the leading towns, very well off, in Cape Elizabeth, and I owned a home over there. And I got interested in finding out how the taxes were laid, property taxes. And I think if he will look this up — and I will give him the name on the quiet, one of the three Republican leaders of this State has some land in Cape Elizabeth, and he is a lawyer, and he is a leading and always has been one of the leading Republicans of this State. And if you will go over there and look over the property and see how little he is taxed. If you will go into a number of other towns around Cumberland County, I will refer to another town that the leaders over there happen to be Democrats —

Mr. DANTON of Old Orchard Beach: Mr. Speaker.

Mr. SULLIVAN: Just a minute please. And you will find that in that particular town —

The SPEAKER pro tem: The Chair recognizes —

Mr. SULLIVAN: Now those people there because of the influence—

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton, and asks for what purpose the gentleman rises.

Mr. DANTON: Mr. Speaker, I would like to know if we have a quorum.

The SPEAKER pro tem: The question of a quorum has been raised. For the Chair to determine

the presence of a quorum the Chair will request the members to vote yes.

A vote of the House was taken. Thereupon, on motion of Mr. Benson of Southwest Harbor,

Recessed until two-thirty o'clock in the afternoon.

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

The House was called to order by Speaker Kennedy.

The SPEAKER: The Chair thanks the gentleman from Bath, Mr. Ross, for serving as Speaker pro tem and commends him for a good service, a good performance.

The SPEAKER: The Chair would inform the House that we are on item 11, under tabled and today assigned matters, Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1968 and June 30, 1969," Senate Paper 597, L. D. 1575; and the pending question is the adoption of House Amendment "B".

The Chair recognizes the gentleman from Portland, Mr. Sullivan.

Mr. SULLIVAN: Mr. Speaker and Members of the House: I was in the midst of a very short and brief statement when we adjourned. I will try to be very brief. Anyone that's had any experience knows that in every city and town that I have looked into certain people, those with influence and money, usually if they have plenty of money they have plenty of influence, and many of those, every town or city I looked into those people are undertaxed and when those people are undertaxed other citizens with no influence maybe are overtaxed.

One illustration was heard. In the City of Portland approximately five years ago there was a revaluation done in Portland supposedly, and the then Chairman of the Portland City Council, incidentally one of the leading lawyers and one of the—at least one of the ribs of the Republican Party of this state, when they got through they reduced the taxation on all of those along Congress

Street. Two illustrations will serve. Two of the department stores had their taxes reduced \$200,000 a year.

Now that's what you've got going on. Now I realize that what I say is going to have about as much influence as if I got up there and tried to stop the flow of Niagara Falls. Thank you.

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

Mr. SCRIBNER: Mr. Speaker, Ladies and Gentlemen of the House: I am specially concerned that the Majority Floor Leader in his amendment has deleted the oceanography program. I earlier asked him a question as to why this was done, eliminating the funds for the Bi-State Commission. This project insofar as I know had the unanimous support of the Appropriations Committee at the time. I would like to outline for the benefit of the members of the House what has been accomplished so far with the very small investment, we put \$25,000 into this so far and the appropriation requested was \$25,000 a year for the next biennium, a total of \$50,000. Thus far the Bi-State Commission has completed and has ready for publication an inventory of educational programs in Maine and New Hampshire in the field of oceanography. The Bi-State Commission is arranging for a study of oceanography potential in Maine and New Hampshire financed by Federal funds through the Economic Development Administration in the amount of one hundred to two hundred thousand dollars. This project already has preliminary Federal approval. I would assume that if the Commission has no funds, this project would be seriously jeopardized.

The Bi-State Commission presently has an exhibit at the International Oceanography Conference that is now being held in San Diego with oceanographers coming from all over the world to this International Conference to further their professional experience, and I think the fact that Maine is represented at this Conference is very valuable. The Bi-State Commission is presently working on the Great Bay oyster

growing project with the State of New Hampshire. This project has a great deal of promise, they have put a great deal of work into this. This would benefit the southern part of the State near Kittery, in developing oysters for seeding purposes in Great Bay which has a proven potential for the growing of oysters.

The Bi-State Commission was of material help in obtaining \$30,000 in Federal funds for Traip Academy for the Oceanography program which they want to hold at Traip Academy. The Bi-State Commission is also participating in the formation of a consortium of eight southern Maine colleges to work on joint oceanographic programs which includes Bowdoin, Colby, Southern Maine Vocational, and a number of the other institutions in southern Maine. They would work on oceanography and would require very little in the amount of state funds for this. This would be financed through the private college budgets primarily and wouldn't require large expenditures of State funds. They would do this as part of their growing research and development programs.

This is very valuable. The Bi-State Commission has been very helpful in seeking progress in this type of project. This program is very useful for the modest investment that it requires. I would like to point out that I think it is very important from a political standpoint that this Commission, with some funds to continue it, means that in Federal matters we would have the support of two Congressional delegations rather than just one, and I fail to see any rationalization for throwing this program down the drain.

They have done a great deal with the small amount of funds they have had and I believe they would continue to do so. They have an office at the Southern Maine Vocational-Technical Institute where we have a growing Maine Technology Program. They now have two research ships instead of one there. I am not sure, but I believe the Bi-State Commission helped them to get another ship from the Smithsonian, although that fact I would have to check. I do know they have

an office there and they cooperate with the Marine Technology Program at Southern Maine Vocational Institute.

I would like to have someone explain to me why, particularly the Majority Floor Leader, as to why these modest funds are being denied to a program of proven worth.

The SPEAKER: The Chair recognizes the gentlemen from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, in answer to the question, the field of oceanography is the most challenging open door that Maine has walked up to in many, many years and I would remind the gentleman from Portland, Mr. Scribner, that we are now discussing the revenue measure and the amendment, House Amendment "B", but if he wants to discuss the merits of the Republican program as opposed to financing, I am delighted to do that.

Now, as a graduate of Robert W. Traip Academy in Kittery, Maine, I am delighted to see that the Bi-State Commission on Oceanography through the efforts of its Executive Director, who I know and have great respect for, has been able to help out in securing Federal funds for such schools as Traip Academy. I am delighted to see that the Bi-State Commission on Oceanography will be continued as a framework for cooperation between the States of Maine and New Hampshire, but it would be a tragic error for us to go with the Bi-State Commission on Oceanography and tie ourselves to New Hampshire in a cooperative project in view of their announced intention to have any significant brick and mortar construction go on in the Portsmouth-Kittery area.

Now we chose the Darling Center for Marine Research, recognizing, of course, that it has limitations. We are talking about research in Marine Biology. We are talking about a program which has been prepared and set up for doctorate work in Marine Biology. A highly qualified, completely trained individual, Dr. David Dean, is at the Darling Center, the plans are set up, the program is ready to fund. It is for this reason that we want to see this session of Legislature

do something besides draw a lot of fancy graphs and make a lot of flowery speeches, and make some commitment to oceanography that will do something for the thousands of Maine people who derive their living from the sea.

Now, of course, we could do a lot more in a lot of other areas. There is no question about that. I don't deny that, and the Republican program falls way short of being the whole answer. I do say that the Darling Center represents the best bet for this session in oceanography and that the Bi-State Commission, as such, is not adequate for Maine's purposes. I am in favor of continuing the framework of the Bi-State Commission, and I think that is what we've done. We have taken the position that we can do a lot more with this \$50,000 than fool around with the Bi-State Commission. Now this is the position of the Republican Leadership. I am talking about the merits of some particular item of our spending proposals, not the revenue proposals.

Mr. Speaker, I would like to depart from answering the question and ask permission to speak again.

Thereupon, Mr. Richardson of Cumberland was granted permission to speak a third time.

Mr. RICHARDSON: Mr. Speaker and Members of the House: This is going to be called, apparently, the session of memorandums. I was disturbed to be read a portion of the letter of June 6, 1967, addressed to Allen G. Pease, the Administrative Assistant to the Governor to Mr. Asa Gordon of the Department of Education. So I talked to Mr. Gordon and confirmed the statement I made to you here on the Floor. The Governor persists in comparing apples with grapefruit. The increase over the Governor's program to the Republican program — if I may state that a little better, the Republican increase over the Governor's program is \$9,900,000 in this coming biennium and \$19 million during the biennium that the 104th will be confronted with. That's mathematics, that's no problem. But, ladies and

gentlemen, that's not what we are talking about.

We are talking about this non-existent revenue gap. The Governor has said that this would build in increased costs of \$25 million. That's false. Asa Gordon has given me a memorandum dated June 6—and pardon me, perhaps it's not as important as I think it is, but I insist that we get the true facts. Here is his memorandum. "To Representative Harrison Richards, From Asa Gordon, Subject: Increasing the Foundation Program Allowances from \$255 to \$320 Per Pupil." I quote, "Nothing contained in my memo to the Governor on June 5 or nothing contained in the letter from Allen Pease on June 6 changes the estimates of subsidy increases from the amounts, quoted in my memo to you on May 31, 1967." And then he again, in this memorandum, projects the same figures again. Now, we can talk about this forever and a day and I shall have nothing more to say on the subject, but the facts are the facts and the revenue gap is non-existent. I invite your attention to the figures that we have given you and we are willing to be judged on the basis of those figures.

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

Mr. CARROLL: Mr. Speaker and Members of the House: The gentleman from Cumberland, this morning, remarks on the Floor of this House, stated that I was making false statements and false remarks. Therefore, I would like to pose a question to Mr. Richardson, and that question is in regards to my remarks that a new subsidy formula which we are about to enact in a few days in the future, will make the wealthy town wealthier and the poor town is going to get just a little bit, they are not going to get according to their due what the rest will get. Now he says this statement is false. I ask Mr. Richardson to explain this to me and to prove to me that this statement is false, and I would also like to ask Mr. Richardson if he is using Table 2 of Section 3457 in his explanation.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, poses several questions through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker and Members of the House: The Department of Education has provided these figures for me and is quite willing to provide them for you and I will see that you get copies of these, and I will read you the towns that were taken in the sampling. Ten wealthy places, as measured by high valuation per pupils, and leave out the tax rate based on current market value in 1966, and I read to you next the next column the Administrative Units involved.

These are wealthy places on the basis of their evaluation as related to their participation: Jay, Baileyville, Sandy River Plantation, Ogden Plantation, Drew Plantation, Embden, Raymond, No. 14 Plantation, Bucksport, East Millinocket. These are all towns, or at least some of them are, that we all recognize as having significant industrial developments located within their borders, and because of the property tax they have a substantial amount of money. The ten poorest places, as measured by per pupil valuation, are Caswell Plantation, S.A.D. 23, Carmel, Greenbush S.A.D. 33, St. Agatha, Chester, Cutler, Bradford, S.A.D. 38, Dixmont, Beals and Stockholm. The average increase for the wealthy towns that I have named is 20.8 per cent, while the increase for the poorer towns was 34.3 per cent. On this basis, L. D. 636, or as it is now incorporated within Senate Amendment "A" to L. D. 1575, provides increases which are 64.9 per cent greater for the poorer towns as classified.

Now, this is a legitimate random sampling. If there is any quarrel about these figures, I direct your attention to the Department of Education. I know that they will be perfectly happy to provide you with the same information.

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

Mr. CARROLL: Mr. Speaker and Members of the House: I still have not had my question answered. I asked you, Mr. Richardson, are you using Table 2 of Section 3457? I wish you would answer me on this question.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, poses a further question through the chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he chooses.

The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: The Table 2 to which Mr. Carroll is referring, refers to school construction costs, not to the subsidy which we are talking about here today.

While I am on my feet, I would like to carry what Mr. Richardson, the younger, has brought to the attention of the group. Under the law as it exists at the present time, if no changes are made in it, there will be 82 towns which will get less money in 1968 than they will get in 1967. I think one of the fair ways of evaluating which is a wealthy town and a poor town is to take the \$12,500 which bases the 18 per cent subsidy. Of the 82 towns that it will drop, 26 of these have a valuation of more than 12,501. The balance of the towns and administrative districts are valued from \$1200 to \$12,500 per pupil. Under the revision that we are discussing, 49 towns would drop and of these 34 are in excess of the \$12,500 valuation for the pupils.

I cannot see the argument that the poor towns are dropping and the wealthy towns are making money. When you have \$12,000 or more behind every single pupil in the school system, I don't consider that a poor town. Thank you.

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

Mr. HINDS: Mr. Speaker and Members of the House: I have some interesting sheets here in my hand. They are the 1966 State Sales Tax tables that are used by the Federal Government as guidelines for people who file a long form



and deduct sales tax from their income tax. You can deduct a larger amount if you keep receipts; however, if you want to take a chance and go along with the government — I mean, if you want to take a chance, you could keep receipts and deduct a larger amount, but, this particular amount here is the suggested amount and is the amount the Government will go along with after much figuring.

I have gone through all of these, there are three sheets, they list all the states that have sales taxes, and surprising as it may seem, 25 states are allowed to deduct more from their income tax for sales taxes than Maine. That means one of two things to me, either they have a higher sales tax than Maine or they are taxing many more items than we tax here in Maine, and I would assume from looking at this that we have a very limited sales tax compared to the 25 other states. Now in the area of a \$5,000 to a \$5,499 income, the government last year, year of '66, allowed for a family of one or two to deduct \$56 a year for their sales tax. If you purchased an automobile, you were allowed to deduct the price of the automobile; in other words, you would add to your sales tax to bring the automobile to this figure. Automobiles are excluded. If you had a family of five, you were allowed to deduct \$80.

Now with a one percent increase in our State sales tax, the Government would allow you to deduct \$70 if you were a family of one or two, that's a \$14 increase; and they would allow you to deduct \$100, which is a \$20 increase, if you were a family of five.

I have many other figures here and I could go on and on and on, but there is no sense in it and I just feel that the sales tax, the one percent increase is not going to affect anyone anywhere near as much as we are led to believe. And, of course we all know, that the higher the income — I will go up to a \$10,000 income on here, and they are allowed to deduct \$97 presently for one or two people and they would have an increase of \$24. And for five people they

are allowed presently to deduct \$130, this would go to \$162.50, or \$32.50 increase; so we can say that the higher the income the more the sales tax pays because the Government, on a systematic basis for the whole United States, has figured that you would spend much more if you had a higher income.

And I see no objection, and I have had no objection whatsoever, any more than you would expect from a tax, increasing any tax, from the one percent increase in the State sales tax.

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

Mr. HEALY: Mr. Speaker and Members of the House: It looks like a long, hot summer right here. To digress for a moment from the technical phases of this bill and get down to simple arithmetic, by now I am pretty fuzzy on the whole deal, except for that. Within a radius of seventy-five miles of the border of New Hampshire, there is perhaps 75 percent of the economy of the State conducted. Then, the State of New Hampshire, as you perhaps know, has no sales tax. I have talked to many of the merchants, I only talk to the top merchants, and they are unalterably opposed to any increase in the sales tax. On the basis that where it is only one cent, to be sure, it is an increase in the sales tax and it spreads and they fear that it will hurt their business.

Ladies and gentlemen, I remind you that our tourist business perhaps is the second largest industry in the State and they could settle for New Hampshire or maybe Vermont, with all these increases that we are proposing in our sales tax. Now, it is just as simple as that, the Democratic Party has submitted a program that has been turned down, we probably could revert to it and it is just a question of — I'm not going to change a vote here and I don't think any speaker that follows me is going to change a vote here. The votes were in the bag when we started debating this thing. There probably isn't one vote changed, and I would suggest that we get to the business of getting a vote on this and get it over with.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker and Members of the House: I rise today somewhat reluctantly but with the feeling that I must express my views on the proposed sales tax increase.

We have heard that to implement the necessary programs in the field of Education, Health and Welfare and Mental Health and Corrections, that we will need additional revenue or taxation.

While I am personally opposed to any means of a new major tax, and while I am amazed that through the various sessions, we as legislators have pleaded for more increased expenditures in certain fields, I, therefore, wonder if some one of us might someday rise and advocate less spending and more economy; but since this does not seem to be the case and we are faced with providing and continuing expanded services, and if this revenue must come from a sales tax or an income tax, I personally favor obtaining our revenue from a sales tax base rather than a personal income tax or any other means.

All of us legislators have been and will be subjected to pressure to vote for and to vote against an increase in the sales tax. Therefore, let us consider the merits of this tax as we see it as legislators.

The sales tax was recommended by Dr. Sly in his report on the Maine economy as being the best adapted to our means and economy here in Maine today. This tax has worked well and the collections and enforcement machinery of this tax are well established.

The sales tax presently contributes over 50 percent of all general fund revenue and goes to support our three largest general fund expenditures; namely, Education, Health and Welfare, and Mental Health and Corrections, in that order.

If we examine the expenditure of sales tax revenue in the three aforesaid fields, we find that these are the services most demanded and most utilized by the greatest number of our Maine people today.

By the same token, we find that these same people are paying the bulk of our sales tax collections.

These people are paying their share of the sales tax based on their individual purchasing power, a few pennies or a few dollars at a time, unlike an income tax which comes due in a lump sum once each year.

The wage earner of Maine today is demanding property tax relief on a local level, increased services to his family in the field of Education, Health and Welfare, Mental Health and Corrections and allied services.

It seems apparent to me that the average Maine wage earner and taxpayer is looking to Maine state government to provide this relief and expanded service and is therefore willing to share in the responsibility of providing sufficient revenue on a state level by an increase in the present sales tax rate.

In conclusion, ladies and gentlemen, I believe we can say that the sales tax increase will provide our Maine citizens with local property tax relief, will provide increased educational services for our children, will allow our citizens a fair tax based upon his ability to pay; and remember, a portion of this sales tax collected will be paid by out-of-state residents who are traveling through our state or vacationing within. If I understand correctly, as much as 10 percent or over \$5 million a year is realized from this source.

Those who have said that this sales tax income is a cruel hoax and unfair to our taxpayer — how then, I ask you, will we provide the needed and demanded services by the people of Maine? I pose this as a question to any member of the House who might care to answer. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: If I have been asked a question with regard to this Republican program which we are discussing and rather than to attempt to answer it myself, I would like to ask the question of our Majority Floor Leader.

It refers to Senate Amendment "A" of the Budget Document in Section E, more or less as it takes it up. The question that I have been asked was, does this Republican program plan the sale of bonds in advance of need and their later temporary investment as a revenue proposal?

The SPEAKER: The gentleman from Perham, Mr. Bragdon poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker and Members of the House: L. D. 1682 which is Senate Amendment "A" to the basic document, Section E provides that "All net income realized from the temporary investment of bond proceeds on general fund bond issues approved by the 103rd Legislature and future legislatures shall be credited to a special account designated as Debt Service Account, and used only for the retirement of bonds." If I understand the gentleman's question correctly it is, "Will the Republican program go along with what has apparently been a practice in the past, or at least about two years immediately past, of investing revenues from bond issuance in temporary investments?" And the answer to that is a resounding no.

I believe yesterday, if you will check the record it might confirm this, that I said that we condemn that practice. If we issue bonds on behalf of the people of the State of Maine which have been authorized by the voters in a referendum, we feel that we are under a moral obligation at least, and we think we should make it a legal obligation to use the money for the purpose for which the people voted it. And we deplore what we consider to be a dangerous financial procedure, and that is to issue bonds prior to the time the need arises and then use the money from those issued bonds for temporary investments in order to make money for the State until such time as the need is there, and then pay out the money.

If you follow me, what I am saying is that when we go to the

people of the State of Maine and suggest to them that we need a new building or a new airport or something else, that we are obligated to those people, the people who represent the State, to use that money for the purpose for which we told them they were going to pay it. We feel that any other procedure is dangerous. Section E, the section to which the question is directed by the gentleman from Perham, Mr. Bragdon, indicates our very clear intention that we keep faith with the people on these bond issues, and stop fooling around with them as a financial gimmick. And I would point out to the members of the House that most, I believe most, Federal monies come to us with the limitation that we use them for the purpose for which we were given those Federal funds and that if we don't, we incur serious financial penalties.

Now we think that the investment procedure outlined in Section E is a procedure that we should follow not only with respect to Federal funds insofar as using them for what they are supposed to be used for, but should also apply to bond issue funds gained through the issuance of bonds that is. I hope I have answered your question.

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

Mr. SOULAS: Mr. Speaker and Members of the House: The main issue during much of our debate has been the increase in the school subsidy. I would like to produce to you a book, yellow in cover, and it's called "The Maine Digest" Spring issue, 1967. One of the titles on this is "Youth, Maine's Most Important Export." Further down there is a little caption that says: "Must They Leave Home?" and I'd like to read just a few parts of an article written in this magazine, and I quote: "Everytime we lose a potentially brilliant business man because there isn't any place for him in Maine we lose all that he represents in contributing to the economy, the community in the form of public service, and to the cultural aspects of the State in the

form of some extra-curricular talents.”

“We are planning new ways to bring more of the expansion of this Nation’s industries to Maine through a requested reorganization of the Department of Economic Development and the establishment of new programs. Most of all, however, it is my belief we must gear ourselves for giant strides in the field of education. It is my hope that we will in the next few months consolidate many of our state institutions and develop a master plan for higher education designed to develop our high school graduates to their greatest capabilities. The greatest resource of all is education: With planning and coordination we will be able to provide this resource.”

The author of this article is by Governor Kenneth M. Curtis.

If the increase of the sales tax is needed to stop this “brain drain” as stated by our Governor, then I favor it.

Mr. Levesque of Madawaska was granted permission to speak a third time.

Mr. LEVESQUE: Mr. Speaker and Members of the House: I shall be very brief as I know that the weather is excellent outside and the air would be quite a bit clearer than it is inside or will be.

I fully recognize that the remarks made by the gentleman from Bangor, Mr. Soulas, were designated by the Governor—by our present Governor. I think the Governor has indicated on many occasions of what avenue he would like to pursue to institute progress in our State. As indicated in the remarks just read in the area of reorganizing the Department of Economic Development to prevent the youth drain from leaving the state and going to some other areas of our country.

I think the Governor has also recognized as was pointed out the planning and coordination of these projects. You can educate all your students in your State, but if you don’t provide the opportunity for them to stay in the state, then you have educated them and then say — go on your merry way to some other part of the country because we can’t use you in this

state. Those are in some of the areas that the Governor feels made by reorganization of DED and many other departments as all of you are very well aware that I do not have to itemize.

I would like to further point out that the Item that was distributed greater improvements should be this morning that was placed on your desks — the gap, the revenue gap as presented by the budget bureau of 46 million dollars will still be there as made out by the Bureau of the Budget, and in answer to Mr. Richardson of Cumberland’s remark a few minutes ago, of two years ago—it just brings back wondering to my mind as to how much money has been laying idle in our State Treasury for so many years and just accumulating dust, where they were put to use two years ago.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I really try to avoid a debate of this kind which goes on and on into the afternoon. I felt we might start in the morning when we were fresh, and I dislike very much to get up here and speak at this time. But, I’m going to speak because I think each one of us has got to justify ourselves and the way we vote on an issue—a tax issue—which is going to affect every person in the State of Maine. Parenthetically an income tax would not do that.

I’m approaching this whole budget problem I think in a different way, in sort of a percentage way. I think we all truly in the first place can agree with Dr. Conant that we must spend millions and millions and millions and millions more for education, and I think we also must agree with him that there are many economies that can be practiced in education, and that educational procedures and practices have got to change. The establishment of education has not been quick to make many of the changes which are needed today, and I of course welcome this great coordination of higher education’s effort to plan the overall picture, and I hope that is developed.

Now I said I was going to approach this matter on the basis of percentages because I'm no technician on a budget, but I do know that the Governor's budget increased our general budget by twenty percent. Now that is par for the course; for the last ten years our budget has been increasing—all state budgets have been increasing annually ten percent per year, twenty percent in the biennium; and I could go along with that. This budget increases an additional seven percent. What does this seven percent increase mean? Well, if we compare it to the Federal budget for instance, which is 136 billion—if the President I think went to Congress at this point in this session and said—let's increase our budget seven percent which would be \$9 and a half billion, I think he would be turned down because all the shouting that I hear from the housetops in the Nation at this point is economy.

Now, I'm just going to point out these facts because I know my own thinking is conditioned by the world situation and our own National economy. It seems to me up here in this State of Maine we are playing around in our own little backyard and making our own little plans without considering what is going on around us, and we all notice the recent mid-East eruption and the stock market dropping fifteen points—the stock market has been dropping; our economy is in an uncertain position and in one way many of our economists say that we are not only facing a recession, we are facing inflation too. A sales tax is not going to help inflation our inflation problem.

Chairman Mills of the House of Representatives, Chairman of the Ways and Means Committee informs us that the Federal budget is going to be \$29 billion in deficit. Now that has affected our industries. Our long-term bond interest rates are going up—in fact they're so high that many issues which were to be issued are not going to be issued at this time. We notice that our capital construction is below the normal growth rate, and we know that there was a three-tenths of one percent increase in our cost of

living last month, and that the minimum prediction is that it will be at least a two and a half percent increase in our cost of living for the year. That in itself is a tax—a sales tax.

Now here's another thing that is being talked of more and more in Washington, and that is that they will put a ten percent surtax on incomes rather than a six percent, because already they've noticed a fall-off in tax receipts for this year, and I noticed in our own paper this morning, while our economy according to the Economic Research Bureau is up a little bit, our sales tax receipts are down.

I'm not going to say any more — I'm just simply going to say this. The Governor's tax program — two items in it have been defeated — they would produce 8,900,000, so the question is for my little mind, what am I going to do about it? And, I'll say this as I have said before, that I would go along with a half a percent increase in the sales tax; that half percent could be put on at one percent for six months, July 1 to January 1, dropped, July 1 to January 1. I think it's very unfortunate at this time that we have to make such an important decision. I'd rather make it six months from now after perhaps our international situation had cleared up a little more. Thank you.

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

Mr. BINNETTE: Mr. Speaker, I would like to pose a question to our Majority Leader, Mr. Richardson. In regard to your amendment, 1689, under Section 1766, dedicated revenue, do I understand correctly that from the total revenue, one-tenth of that will be set aside for education purposes, and if our anticipated revenue is 252 million, we'll have 25 million for education purposes?

The SPEAKER: The gentleman from Old Town, Mr. Binnette, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker and Members of the House: In

answer to the question of the gentleman from Old Town, Section F of L. D. 1689 which is the House Amendment under discussion, House Amendment "B," provides in Section 1766, that from the total revenues collected from the Sales and Use Tax, one-tenth of the revenues is dedicated each fiscal year for general purposes subsidies to cities and towns. It deals only with the revenues collected from the sales and use tax; I believe if you will figure it out it will indicate that one half of the projected increase is to be dedicated by this session of the Legislature for general purpose subsidies to the cities and towns.

I hope I've answered your question.

Mr. Scribner of Portland was granted permission to speak a third time.

Mr. SCRIBNER: Mr. Speaker and Members of the House: I fail to see the purpose in that making an additional amendment to the sales tax law for this because I'd like to say there's only half a chance that we could dedicate one hundred percent of the sales tax and it still wouldn't pay for the school subsidies.

The SPEAKER: Is the House ready for the question? The pending question is the adoption of House Amendment "B". The Chair will order a vote. All of those in favor of adopting House Amendment "B" will vote yes —

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, I believe I had requested a roll call.

The SPEAKER: A roll call is requested. To order a roll call the Chair must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call will vote yes, and those opposed will vote no, and the Chair opens the vote.

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

The SPEAKER: The pending question is the adoption of House Amendment "B." All those in favor

of adopting House Amendment "B" will vote yes, those opposed will vote no, and the Chair opens the vote.

### ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Benson, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cookson, Cornell, Couture, Crockett, Crosby, Cushing, Darcy, Dickinson, Drummond, Durgin, Edwards, Evans, Ewer, Farrington, Foster, Fuller, Gill, Hall, Hanson, B. B.; Hanson, P. K.; Hawes, Henley, Hichens, Hinds, Hoover, Humphrey, Immonen, Jannelle, Lewin, Lewis, McMann, Meisner, Mosher, Pike, Porter, Quimby, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Susi, Thompson, Townsend, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

NAY — Bedard, Belanger, Beliveau, Binnette, Boudreau, Bourgoin, Bradstreet, Brennan, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Cote, Cottrell, Crommett, Curran, Danton, Drigotas, Dunn, Eustis, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Giroux, Hanson, H. L.; Harnois, Harriman, Harvey, Haynes, Healy, Hennessey, Huber, Hunter, Jameson, Jewell, Keyte, Kilroy, Kyes, Lebel, Levesque, Lincoln, Littlefield, Lycette, Martin, McNally, Miliano, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Prince, Rocheleau, Sawyer, Scribner, Starbird, Sullivan, Tanguay, Truman, Wheeler.

ABSENT — Berman, Bernard, Conley, D'Alfonso, Dennett, Dudley, Hewes, Hodgkins, Jalbert, Maddox, Noyes, Payson, Pendergast, Philbrook, Roy.

Yes, 73; No, 62; Absent, 15.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-two in the negative, House Amendment "B" has been adopted.

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

Mr. JALBERT: Mr. Speaker and Members of the House:

First, I would like to thank the leadership, particularly the leadership of the Parties for holding this bill up so that I can be here to present my amendment. I haven't had an opportunity yet to read the debate of yesterday thoroughly; it's my intention to do so. I have acquired figures of my own. I feel very strongly that we must resolve finally if it means representatives of both parties to get figures from the Department of Education as to what the accuracy is and on which side of the aisle or even from the Executive Branch.

I have my own set of figures. I have my own projected program as to what this will create as far as moneys needed for the next biennium. I also have a major proposal that I have been working on for weeks, particularly the last nine or ten days, and I assure you that sometimes when you find yourself alone for at least six or seven or nine or ten days you can somewhere along the line do some serious thinking.

Addressing myself however, to the present reason why I am on my feet, it would be to present House Amendment "C" and speak to the amendment.

Thereupon, House Amendment "C" was read by the Clerk as follows:

HOUSE AMENDMENT "C" to S. P. 597, L. D. 1575, Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969."

Amend said Bill in Section A under the caption "EDUCATION, DEPARTMENT OF" by striking out from the paragraph entitled "General Purpose Subsidies to Cities and Towns" the line:

'All Other 32,968,789 30,868,789'

And inserting in place thereof the line:

'All Other 31,868,789 28,668,789'

Further amend said Bill in Section A under the caption "EDUCATION, DEPARTMENT OF" by striking out the last line:

"Total Department of Education  
42,653,612 41,147,386"

And inserting in place thereof the line:

'Total Department of Education  
41,553,612 38,947,386'

Further amend said Bill by striking out the last line of Section A:

"Total — Section A  
109,929,652 111,723,066"

And inserting in place thereof the line:

'Total—Section A  
108,829,652 109,523,066'

Further amend said Bill by inserting before the 2nd paragraph from the end the following:

**'Section C**

**Sec. 1.** There is appropriated from the General Fund the sum of \$1,100,000 for the fiscal year ending June 30, 1968, and the sum of \$2,200,000 for the fiscal year ending June 30, 1969, to effectuate, as of the first pay period following 90 days after the adjournment of the Legislature, a pay adjustment plan for state employees to be incorporated into the official State Pay Plan, adopted by the State Personnel Board.

Any balance at June 30, 1968 shall not lapse, but shall carry forward into the 1968-69 fiscal year to be used for the same purpose.

**Sec. 2. Unclassified employees subject to Governor and Council determination.** With respect to unclassified employees whose wage rates are subject to Governor and Council determination, the Governor and Council shall grant similar and equitable treatment.

**Sec. 3. Unclassified employees not subject to Governor and Council determination.** With respect to unclassified employees whose wage rates are not subject to determination by the Governor and Council, the authorities responsible for determining the wage rates of such employees shall grant similar and equitable treatment.

**Sec. 4. Utilization by other funds.** Wages of employees in departments supported by the General Highway Fund, Special Revenue Funds or other funds shall not be adjusted from moneys provided for the General Fund Pay Plan, but

shall be adjusted from funds available from other sources.'

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

Mr. JALBERT: Mr. Speaker and Members of the House: This measure involves recognizing the 10,500 State employees now on a graduating one to two step basis instead of recognizing their efforts as of July 1, 1968 on a 5 percent basis. It would call for the insertion into the measure, the original L. D. 1575, of monies to the tune of \$2,200,000, \$1,100,000 already being in as recently passed.

Back when we finally came to an agreement on L. D. 107 we went back to the program of part payment so-called, installment payment on construction aid, which left us with what now is to meet our commitments \$4 million, our eventual commitment of \$4 million in construction aid bonding. This was the agreement. There was also a tentative agreement that we would possibly eventually remove from the L. D. 1575 \$2,000,000 for construction aid which is presently in the document. This amendment would remove that \$2,000,000 and apply it for State employees. The State employees measure as is money-wise, as is indicated in this amendment, was presented to the 103rd jointly by the good Representative from Southwest Harbor, David Benson, and myself.

It might be well to note that whatever program on school foundation we might finally arrive at, be it half of the amount or three-quarters or the full ten million, that upon a question posed by me at the meeting in my area, the knowledgeable Superintendent of Schools from the Auburn area stated that approximately in his opinion 85 percent of the foundation program increase would go for teachers' salaries. So that one would debate whether or not it really is a property tax relief per se. It would certainly indicate that if this were so and if the salaries were to be increased, it is a property tax relief. You can use an argument, use the other side of the coin and state that it would not be a property tax relief, but my point now is this, that if a

vast percentage by admission of knowledgeable leaders in the field of education of this amendment — of this foundation program money would go for increases in salaries for teachers and I don't argue that point, certainly we must take care of our State employees and do it to a certain degree now.

It should be noted that this would also put our State employees at the \$64.00 a week minimum, \$1.60 per hour, for which I am thankful, it being a topic of the Legislative Research Committee. It should be also noted that in that the 103rd by raising salaries of State employees three and four steps in some areas crept up to our sister states of New Hampshire and Vermont wherein it concerns basic salaries for attendants, State Highway employees, nursing attendants and the like in our institutions. With a 15 per cent hike in our sister State of Vermont and the purported increase in New Hampshire, should we now fail to go along with this submitted amendment, it would appear to me that we will fall back into the field of a greater percentage of drop-outs wherein it concerns our employment here in Maine in our various institutions.

I am mindful of the fact that at this time of year that we do have a certain amount of turnover in our attendant institutions, but I spoke in the last few days with the heads of the various institutions and they tell me that their percentage of dropout now or removing themselves to the scene of these employees is far higher than in the past. Certainly it is to be assumed that without the passage of this amendment, this would also become a fact.

Mr. Speaker and Members of the House, I have had this amendment drafted, I have not lobbied the amendment, I have not hardly discussed it with leadership. I feel very strongly that the need to recognize these 10,500 dedicated employees is now, before you have a mass exodus on your hands. Mr. Speaker, I move adoption of the amendment and when the vote is taken I move it be taken by a roll call.



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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: First of all, as to the tentative agreement possibly to eventually remove the \$2 million dollars that is in Part One, I think that is a masterpiece of a statement by the gentleman from Lewiston, Mr. Jalbert, and I am delighted to welcome him back to the House, and I hope he is feeling better.

I will tell you now as I told you at the time, as I told the gentleman from Lewiston, Mr. Jalbert at the time, \$2 million has been put in where it belongs in the current services. If there comes a time when the Republican Leadership, having received the instruction from its members to do so, decides to remove the \$2 million as part of any so-called compromise everybody is talking about, then of course we'll give it consideration, but there is no agreement, and I want that to be clear, to take that \$2 million out of Current Services.

Now we have debated this before and I don't intend to go into it again. Now the amendment which the gentleman from Lewiston proposes, would depend for its financing on such an action. We cannot take that action now because to do so would throw our entire program out of balance. I am trying to lay my hands on the exact document, and I can't find it, but I believe the fact to be that we intend to immediately increase the minimum wage for Maine State employees in order to get those who are really seriously underpaid, they are on the wrong end of the stick so to speak, to bring them up into an area where we are more in line with those wages being paid by our sister states.

I am delighted to see that the gentleman from Lewiston is as concerned as we are, all of us, about State employees and about reducing the rather drastic turnover among our State employees, as turnover leads to inefficiency as we all know, or can.

Now we have done the best we can within the limitations imposed

upon us. We have established as the number one priority for the State of Maine our young people and our general subsidy or general purpose subsidy aids. It is for this reason that I reluctantly ask you to vote against the amendment offered by the gentleman from Lewiston, that is House Amendment "C".

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: I am very glad to see that the Majority Leader has this extraordinary, efficient crystal ball, and so as long as he has and where he has seemingly looked forward to the next couple of years and he seemingly by what he says knows just what's going to happen. Well I'm a little bit troubled about what's happening in the world, about that war in Viet Nam; about that other war in which my fellow Hebrews are engaged in. I wonder if he would let me know how that is going to come out. In other words, if he has this wonderful crystal ball that can tell that we are going along as we are now at this time, and evidently he bases his figures on a continuation of these times, I hope he is right, but I question very much whether he knows any more than I do what's going to happen in the next couple of years, and so I wish he would take a look into that crystal ball and tell me what's going to happen over there in Viet Nam and over there with the Arabs and Israel. I think that is the most important thing we have to decide now.

And also while I am on my feet, we are telling about these thousands and thousands of young men that want to go to college — wonderful. I wonder if there isn't some part of them that are simply going to college because it will keep them out of the Service. In other words, in my opinion, the situation on that is going to affect us, and the way that they are taking certain young men in the Service who haven't got — their family haven't got the economic means to send them on to college

and so forth, but those who have plenty of economic means in their families whether they have the ability or the potential or not, of course they are going on to college. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is the adoption of House Amendment "C" offered by the gentleman from Lewiston, Mr. Jalbert. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call will vote yes and those opposed will vote no and the Chair opens the vote.

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 Lewiston, Mr. Jalbert, that House Amendment "C" be adopted. If you are in favor of the adoption of House Amendment "C" you will vote yes, if you are opposed to the adoption of House Amendment "C" you will vote no and the Chair opens the vote.

### ROLL CALL

Y E A — Bedard, Belanger, Binnette, Boudreau, Bourgoïn, Bradstreet, Brennan, Buck, Burnham, Carrier, Carroll, Carswell, Champagne, Cote, Cottrell, Couture, Crommett, Curran, Danton, Darey, Drigotas, Eustis, Fecteau, Fortier, Fraser, Gaudreau, Giroux, Harnois, Harvey, Hennessey, Hunter, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Prince, Quimby, Rocheleau, Roy, Sawyer, Scribner, Starbird, Tanguay, Truman, Wheeler.

NAY — Allen, Baker, E. B.; Baker, R. E.; Benson, Birt, Bragdon, Bunker, Carey, Clark, Cookson, Cornell, Crockett, Crosby, Cushing, Dickinson, Drummond, Dunn, Durgin, Edwards, Evans, Ewer, Farrington, Foster, Fuller,

Gill, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Hawes, Haynes, Henley, Hewes, Hichens, Hinds, Hoover, Huber, Humphrey, Immonen, Jannelle, Kyes, Lewin, Lewis, Lincoln, Littlefield, McMan n, Meisner, Mosher, Pendergast, Pike, Porter, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Ross, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Sullivan, Susi, Thompson, Trask, Waltz, Watts, White, Wight, Wood, Speaker.

ABSENT—Beliveau, Berman, Bernard, Brown, Conley, D'Alfonso, Dennett, Dudley, Gauthier, Harriman, Healy, Hodgkins, Jewell, Lycette, Maddox, McNally, Miliano, Noyes, Payson, Philbrook, Sahagian, Townsend, Williams.

Yea, 51; Nea, 76; Absent, 23.

The SPEAKER: The Chair will announce the vote. Fifty-one having voted in the affirmative and seventy-six having voted in the negative, House Amendment "C" fails of adoption.

Thereupon, Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1968 and June 30, 1969," Senate Paper 597, L. D. 1575 was passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendments "A" and "B" thereto and by House Amendment "B" in non-concurrence and sent up for concurrence.

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

Bill "An Act Revising the Motor Vehicle Dealer Registration Law" (H. P. 1164) (L. D. 1665)

Tabled — June 5, by Mr. Benson of Southwest Harbor.

Pending — Motion of Mr. Pendergast of Kennebunkport to indefinitely postpone House Amendment "A" (H-342).

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

Mr. PENDERGAST: Mr. Speaker and Members of the House: As I said several weeks ago, Governor Curtis who was then Secretary of State had a committee formed to study the present Motor Vehicle Dealer Registration law, and after months of review, L. D. 1533 was the result. The Committee on Transportation worked many hours in revising 1533, and after much deliberation the Committee came out with a revision in L. D. 1665 which is before us today. The Committee came out 8 to 2 "ought to pass," and I think this bill is a step forward in limiting the past abuses in this law, and I urge that you support me in my indefinite postponement motion under Filing H-342. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker and Members of the House: Yesterday I rose to speak in opposition to the motion to indefinitely postpone House Amendment "A". I told you that the Committee had done a fine job in its redraft, but I felt that this amendment would better improve the bill. The present abuses of the dealers' registration plates are well known to all of us, and I feel that this amendment, which has been drafted by a gentleman who has been involved in the business for many years and is very experienced, will do very much to curb these abuses.

There is a provision in this amendment, however, that needs amending and I am assured that we will be amending that in a later stage of the bill. I urge you to defeat the motion to indefinitely postpone and to adopt the amendment that is before us now. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker and Members of the House: I am very surprised in Mr. Pendergast from Kennebunkport, that he is trying to postpone my amendment. We didn't have too much of a hearing in the Committee. In the Committee, when this bill was pre-

sented, all we heard was the Board, which is composed of new and used car dealers and a few other car dealers, and the only one that did speak is the one on the Board who was another gentleman, that's all; and we tried to discuss that bill in the Committee itself with the ten members, and what they told me to do — I showed them where the bill was wrong, where there's a lot of abuses on those plates, and the answer of the chairman of the House and chairman of the Senate, they told me to bring my amendment and fight it on the Floor; they told me — we're proud of you and you did a good job, you studied the bill — there is a lot of things wrong, we understand it, but you bring your amendment on the Floor and you fight it over there, so that's why I did bring my amendment and I feel that the amendment if we do accept it with the bill it is going to stop a lot of abuses. Thank you.

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

Mr. SCRIBNER: Mr. Speaker and Members of the House: I'd like to pose a question through the Chair to the gentleman from Kennebunkport, Mr. Pendergast,

I've looked through the bill and also through the amendment, and I'd like to have an answer to my question as to — we've heard many of these abuses mentioned. I don't see anything in the bill that would do it unless it is amended as House Amendment "A" would intend to do. I'd like to have it pointed out to me — what sections in the bill would curb some of these abuses. I see nothing there that would.

The SPEAKER: The gentleman from Portland, Mr. Scribner, poses a question through the Chair to the gentleman from Kennebunkport, Mr. Pendergast, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. PENDERGAST: Mr. Speaker, in the present law there are several places where — I can't put my finger on at the moment, it's a long involved bill, where the — it says "for hire" for instance.

They've taken these out. It's rather detailed, a long bill and it would take quite a while to explain the thing. If the gentleman isn't satisfied I wish he'd table it until later on — well, to tomorrow now. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker and Members of the House: If this bill, the one we redrafted was 1533, and there was a lot of things wrong in it, and in this one, 1665, I can't see nothing that will stop the abuse of this plate, but I can assure you plenty where there will be some more abuses. In the law as it reads, it says new car dealers can use their plate any way they want but they don't mention in the law that the dealers, salesmen and mechanics and all of their employees. In this bill it says — new car dealers, for the personal use of such dealer or the immediate family — members of his family, or for the personal use of regular employees of such dealer. If a dealer has ten employees, salesmen and ten mechanics, that means that all their employees and mechanics can use their plate, and I also can assure you where these plates will be abused again. In the transporter plate — the transporter plate is supposed to be used for one purpose only, for one movement — and in this bill here it says — transporter plate may not be used on two-way unit except on wreckers not requiring public utility plates. So these transporter plates from now on, if this bill passes without the amendment, that means that any garage owners, any moving unit salesmen and transporter plate, new car dealers, they will be able to put the transporter plate on that wrecker and use it because in this paragraph here, it says: "New car dealers or used car dealers who find having transporter plates a necessity, may purchase the same for the cost of additional plates without paying the transporter certificate or registration fee." So this means that he can buy the plate for another \$5.00 and put it on his wrecker.

If we take the word "hire" which we did put back in this bill, that was taken out in the 1533, the Committee itself accepted to put the word "hire" where we took it out in the other bill. And by doing so and accepting this bill the way it is they can use their wrecker for hire, but if we don't accept the bill they can do anything they want with their plates. So I do hope that you will accept the bill and the amendment. Thank you.

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

Mr. HARVEY: Mr. Speaker and Members of the House: I'd like to pose a question to Mr. Lebel of Van Buren, through the Chair.

I'm quite astonished at some of the abuses of these plates. I'd like to ask him if there is a dealer in the State of Maine with 78 plates, and if so how many salesmen does this garage or place of sales hire?

Mr. Lebel of Van Buren was granted permission to speak a third time.

Mr. LEBEL: Mr. Speaker and Members of the House: We have one salesman, a new car salesman that has 78 plates. We have four salesmen that have 50 plates or over. We have 8 that get 40 to 49 plates. We get 24 that get 30 to 39 plates. We have 203, from 7 to 29 plates; and we have 29 with 6 plates and 34 with 4 plates. And in the used car dealers before I'll tell you that two years ago when the new car dealers was in front of all the company they were trying to tell us that it was not the new car dealers that was abusing the plate it was the used car dealers. Let me show you here. The used car dealers, we have one with 40 plates, one with 29 plates, three with 20 plates, 128 with 7 to 19 plates, 85, from 5 and 6 plates, and 352 dealers with 4 plates, and I don't see where the used car dealers abuse them. And I'll tell you how many cars the guys sold with the 78 plates, the guy with the 78 plates sold over a thousand cars. We have one gentleman here with 55 plates and one with 35 plates that sold over a thousand

cars. One gentleman with 48 plates that sold 521 and one 16 plates that sold 539 cars. So, I don't see where the abuse is coming from. It comes from the dealers plate and the new and used car dealers. Thank you.

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

Mr. CROSBY: Mr. Speaker and Members of the House: I am sorry to prolong this debate — I don't think it's covered in the yellow sheet, but I would like to tell the members of the House just what has happened to this bill since we first saw it in Committee. The first document which we received was a 24-page document which was rewritten into 1533, which was several pages — it finally emerged as 1655. Now in the interim, to start out with, we had a very good hearing. It was understood at this time, and as has been brought out before, the Committee as recommended by our former Secretary of State had worked on this for six months. And the idea of this bill was to do just what we are talking about now, to eliminate some of the abuses of dealer plates.

It was decided that, at that time, along with this Committee, that everybody was happy with the way this was drawn up, and this included everybody, it included the new car dealers, the used car dealers, the heavy equipment dealers, the farm equipment dealers. The only ones that they didn't include, as far as I can see, is the gas station owner who operates a little wrecker, and he wasn't covered under this bill; so I think perhaps that has something to do with the objection.

It was passed out of the Committee as eight to two ought to pass, this seems to be a favorite number in our Committee. I was involved because, for some unknown reason, I was named as the chairman of a special committee to be called to go over the redraft and to bring out some thing that we could finally act upon.

We called in the members of the board who had been instrumental

in writing the report. We called in the used car dealers, we called in, some of the heavy equipment dealers were there; and we also invited some of the interested Representatives from the House. We sat from 1:30 in the afternoon until 6:30 at night, going over this piece of legislation. When we finished we thought that we had done perhaps a fairly good job. Now, incidentally, we also included in this discussion Stanton Weed of the Registry of Motor Vehicles, who made several changes so that his department could administer it.

When it came out, as I say, it came out eight to two "ought to pass." Now, we are confronted with a five-page amendment which, in my opinion, throws it back into the redraft stage. Now, I don't think that we, after all the work that these people have put in, with the understanding that this, if passed, would give the Board more power to regulate the use and to cut out the abuse of dealer plates. That was the intention, because up until this point they had not had the power to make certain regulations. Now it is my feeling that if we are considering a five-page amendment, we should not act on this bill without first taking it up with those who were first instrumental in drawing up the original draft.

I am neither an opponent nor a proponent of this, but I do feel that the people who have put the work into it deserve some recognition.

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

Mr. HARVEY: Mr. Speaker and Members of the House: I see no earthly reason for any salesman to have seventy-eight dealers plates with nine salesmen. Now that is ridiculous.

I want to pose another question through the Chair to anyone who can answer. Will this redraft 1655 allow this dealer to still have seventy-eight plates and nine salesmen? Thank you.

The SPEAKER: The gentleman from Woolwich, Mr. Harvey, poses a question through the Chair to

any member who may answer if they choose. The Chair recognizes the gentleman from Kennebunkport, Mr. Pendergast.

Mr. PENDERGAST: The dealer that had the seventy-eight plates, I believe has more than nine salesmen, is Forest City Motors. Yes, I suppose he could, but he has got to pay more for it, he has got to pay \$10 per plate rather than \$5. He has got to pay for the privilege if he really wants the plates.

And also, I would like to point out, while I am on my feet, there has been added a Section B under Subsection 336, page eight of the bill. "For the personal use of such dealer or the immediate members of his family;" this has never been on the books before — this is this tightening up of the rules, "or for the personal use of regular employees of such dealer." Now the gentleman, Mr. Lebel, said that perhaps the mechanics would have dealer plates. Well, this could be possible but I suppose if the dealer paid a mechanic a commission when he sold a car this is legal. There is another place where they have tightened it up, on page — well, that's all I have to say at the moment. I hope you go along with this motion. Thank you.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I would like to ask a question, through the Chair, to Mr. Pendergast. Does he realize that that bill that we previously passed allowing them to charge \$5 a day, will that not in effect create an increase in demand for dealers plates so they can come into the leasing business; and also does he have a figure of how many taxes, hundreds of dollars—not hundreds, it is over \$200,000 they are evading by not doing this?

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, poses a question through the Chair to the gentleman from Kennebunkport, Mr. Pendergast, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. PENDERGAST: Mr. Speaker. The new category of loaner plates, we estimate, will cut down on the number of plates that the dealers will buy. The law now reads that for \$65 they will bring four plates, that is the transporter or the dealer plates. A lot of them don't need four plates; they are happy with two plates, so we cut it down \$50 of this figure for two plates, with the certificate. So this will cut down on some of the abuses, the number of plates that are bought by the dealers. I hope that that answers the gentleman's question, at least part of it.

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

Mr. SCRIBNER: Mr. Speaker and Members of the House: I am a little concerned though. This type of legislation I realize that — I don't know how many members of the House realize it but there are over 8,000 dealer plates on the road today. This, to me, is a fantastic number and it seems like on any average Sunday they are all out for a pleasure drive, going to a picnic with their families in the cars. I see them every week. And I would like to know if there is any member of the Committee on Transportation if they have ever considered printing right on the plates "for business use only." I see no objection to that and I think it would overcome a lot of the objections. There would still be people who would probably use them illegally, but I feel that at least their conscience might bother them a little bit if they knew they were driving around and the plate had right on it "for business use only." I would like to know if the Committee has ever considered this.

The SPEAKER: The gentleman from Portland, Mr. Scribner, poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Kennebunkport, Mr. Pendergast.

Mr. PENDERGAST: Mr. Speaker: To my knowledge, nobody

has suggested this. I don't think it sounds too bad. Thank you.

Mr. Lebel of Van Buren was granted permission to speak again.

Mr. LEBEL: Mr. Speaker and Members of the House: I would like first, to clarify what my dear friend here, Mr. Crosby of Kennebunk, that he said that we had two good hearings. Yes, we had two good hearings with used car dealers and the board. The first hearing, all we did with the board, we took the bill, and Mr. Anderson from Fort Fairfield, who is chairman of the board, he took the bill, read the bill, there was a few errors in the bill in the spelling, we changed that. I, for one, asked about ten questions and I doubt if the rest of the Committee asked five questions and we didn't have any chance to ask questions because there were only two or three that got up to speak. All the others, nobody was—they were all interested but nobody wanted to be asked questions.

The second hearing, we did have Mr. Weed with us. We went over the bill the same way and Mr. Weed had mentioned, and I asked Mr. Weed and I asked the Committee to put five members on the board to represent any equipment and the transporter plates, and Mr. Weed suggested that that was a good idea, but they didn't put it on, that is why I had to put my amendment on it.

And this five page amendment here doesn't do it—if the gentleman will read the amendment in full, and see it's not five page amendment, all we did amend is five things, but when I did amend the transporter plate they had put in every paragraph, the word "loaner", so that's why the amendment is so big, they had to take the word "loaner" out of those paragraphs and to do it they had to put the paragraph in the amendment. The only thing this amendment does is amend the board and then amend the wreckers so they can't use it with their dealers plate or transporter plate and I did amend for the personal use of the employees, instead of putting personal use of the employees and the dealers I

think on the amendment I spelled it out this way, "for the personal use of such dealer or the immediate members of his family, provided they are members of his household."

The way the bill is, if the dealer has ten kids, up north we have big families, no matter if they are married and stay down to Portland he could use the plates on his own car. The next one I did amend was the transporter plates. The transporter plate read like this, "Transporter plate may not be used on towing units except on wreckers," as I mentioned awhile ago, that wreckers would not need public utility plates. And the other thing I did amend was the insurance. The insurance they had only five, ten and twenty, and we changed it to ten, fifty and a hundred and I don't feel this is too big insurance for your salesman because I do have that amount of insurance on my own car, for my own protection. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker and Members of the House: The section that the gentleman just mentioned, Mr. Lebel, from Van Buren, Section 832 referred to changing the limit of liability insurance, which under the present law is \$10,000 each person, \$20,000 for each accident and \$5,000 property damage. It increases those limits to \$50,000 for each person, \$100,000 for each accident and \$10,000 property damage.

These limits are very substantial, and although are very good in many cases it will be very difficult for these dealers to obtain such high limits and it will result in them going to the assigned risk bureau and paying a great deal more for their insurance. I think that we should consider this before we pass this amendment. Thank you.

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

Mr. ROBERTSON: Mr. Speaker and Members of the House: I am not going to talk long on this issue.

I do feel that there are two important points here. One, there is admittedly a great degree of abuse of these plates. I don't think you have to drive very far to ascertain that and if we have looked around since this measure has been on the floor I think there is a quite a bit of evidence that these abuses do exist. So it appears to me, that the question before us is the degree of infraction or abuse that we desire to correct. Whether you want to go part way and correct it to a degree or whether you want to go all the way and make the corrections we should make.

Now I want to commend the gentleman from Van Buren, Mr. Lebel, on the great amount of individual research that he has put into this particular project. I think he has unearthed a great deal of unjustifiable use of plates, of for any other abuses that he has come up with this amendment.

Now, personally, I do not feel that an amendment, a lengthy one, is justifiable in all cases. However, I do feel in this particular instance, that perhaps it is justifiable if we are to correct the conditions that exist and for that reason I would strongly urge that you support the bill and the amendment as well. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker and Members of the House: I would like to bring one point that hasn't been put out yet and that is the excise tax that the various towns lose on those cars that are on the road with the plates that belong to the garage.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Dickinson.

Mr. DICKINSON: Mr. Speaker and Members of the House: The gentleman from Fort Kent, Mr. Bourgoin, brought out one of the points that I had intended to make, which I think has prompted all of the effort the gentleman from Van Buren, Mr. Lebel, has put into this attempt to correct certain inequities. Many of you will recall that he put a similar effort into a bill

during the 102nd session, only to see it go down the drain the final night of the session.

It has been pointed out here that under present regulations cost of the first four registration plates is \$65, the next two, \$10 each, and all over six are at a cost of \$5. Well, it isn't difficult to see that that is a lot less money than it would cost to register a vehicle after paying excise tax, and therein lies a factor that I think deserves consideration. Thank you.

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

Mr. HEALY: Mr. Speaker and Members of the House: I hate to get into this because of time but in talking to members of the third house I have been told that this amendment would deprive the salesmen of using dealer plates after five o'clock. Would somebody clear that up for me? Then, I might ask a second question. The liability limits that were in the present bill of 10, 20 and 5, I believe, being raised to 50, 100 and 10, how much would the excess cost, how much would it cost? That is the difference between the 10, 20 and 5 and the 50, 100 and 10?

The SPEAKER: The gentleman from Portland, Mr. Healy, poses a question through the Chair to anyone who may answer if they desire.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker and Members of the House: As I read the amendment, I don't think that any salesman who was on business would be prohibited from using those plates after five, first. Secondly, as far as the policy limits are concerned, I think that they are too high and with an amendment at the next reading we can take care of that. Mention was made about the excise tax not being paid to the local governments. I think we should be reminded there is an awful lot of sales tax that is not being paid either.



The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Kennebunkport, Mr. Pendergast, that House Amendment "A" be indefinitely postponed. The Chair will order a vote. All those in favor of indefinite postponement of House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

19 having voted in the affirmative and 87 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The chair recognizes the gentleman from Mars Hill, Mr. Dickinson.

Mr. DICKINSON: Mr. Speaker and Members of the House: There are other inequities in this bill as proposed, this L. D. 1665, and I have two amendments that I will offer to correct them.

The SPEAKER: The bill is in position now to offer amendments.

Mr. DICKINSON: I would like to speak briefly to these amendments.

The SPEAKER: The gentleman must offer his amendment.

Thereupon, Mr. Dickinson of Mars Hill offered House Amendment "B" and moved its adoption.

House Amendment "B" was read by the Clerk as follows:

HOUSE AMENDMENT "B" to H. P. 1164, L. D. 1665, Bill, "An Act Revising the Motor Vehicle Dealer Registration Law."

Amend said Bill in section 8 by striking out in the 2nd and 3rd lines (same in L. D. 1665) of the 2nd paragraph of that part designated subsection "9," the underlined words "may not be used for demonstration and they" and by adding at the end of said paragraph, before the period, the following underlined punctuation and words ' **except for demonstration purposes,**'

The SPEAKER: Now the pending question is on the adoption of House Amendment "B." Does the gentleman from Mars Hills, Mr.

Dickinson, wish to speak to this amendment?

Mr. DICKINSON: No, I would not take up any more time of the House.

Thereupon, House Amendment "B" was adopted.

The same gentleman then offered House Amendment "C" and moved its adoption.

House Amendment "C" was read by the Clerk as follows:

HOUSE AMENDMENT "C" to H. P. 1164, L. D. 1665, Bill, "An Act Revising the Motor Vehicle Dealer Registration Law."

Amend said Bill in section 4 by striking out in that part designated "§332" all of subsection 2 and inserting in place thereof the following:

**'2. Fees. Transporter plates shall be issued for the uses provided for a fee of \$25 each for the first 2 plates and \$10 for each additional plate. In no event shall any such plates be used in lieu of registration plates issued under this Title; or be loaned to any person; or be used by the holder for personal purposes. The number of such plates to be issued shall be determined by the board, which is empowered to determine such uses and authorized to prescribe reasonable limitations of use of such plates. Replacement registration plates shall be furnished to replace lost or mutilated plates for \$1 each.'**

House Amendment "C" was adopted and the Bill passed to be engrossed as amended by House Amendments "A," "B" and "C" and sent to the Senate.

The Chair laid before the House the thirteenth tabled and today assigned matter: Bill "An Act to Create a Maine State Board of Human Research and Development" (H. P. 75) (L. D. 100)

Tabled — June 5, by Mr. Snowe of Auburn.

Pending — Adoption of House Amendment "A" (H-383) to Committee Amendment "A" (H-368)

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by

House Amendment "A" thereto was adopted.

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

Mr. GILL: Mr. Speaker and Members of the House: For a matter of clarification I would now move that this bill and all the accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from South Portland, Mr. Gill, moves that item thirteen, L. D. 100, be indefinitely postponed.

The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: I hate to prolong the session, but I would request the gentleman from South Portland, to give us his reasons because of course, as you may all know, this was the unanimous report of the State Government Committee.

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

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: The other day when this bill passed through here there were several amendments on it and the gentle lady from Orono explained two of them. My attention was attracted to this bill when I saw some of the dollar figures in the bill. \$200,000 shall lapse to the general fund. An amendment for \$2,500, and then it was changed to \$25,000. I thought it would be well to read it where it was a creative bill. L. D. 100, "An Act to Create a Maine State Board of Human Research and Development." Now the first paragraph, "There is created the Maine State Board of Human Research and Development composed of the chairman of the Mental Health Advisory Committee, the chairman of the Maine Commission on Retardation, the chairman of the State Board of Education, the chairman of the Advisory Committee on Health and Welfare, a trustee of the University of Maine, be appointed by the Board of Trustees of the University of Maine, a representative of the Executive Department to be appointed by the

Governor and the chairman of the Education, Health and Institutional Services, and Welfare Committees of the Legislature."

My answer to this paragraph is that it surely sets up a new Board. These committee and commission chairmen will have to take time from their busy departments to travel and attend meetings of this new creation. They are going to be concerned with the approval and allocation of funds for research projects and for pilot projects trying new methods in the fields of mental health, mental retardation, education, public health, social welfare, rehabilitation and delinquency.

I have never known of a research project or a pilot project that did not cost money and plenty of it. The Board is going to be compensated for their actual expenses incurred in carrying out the functions of the Board. The skunk in this bill is paragraph 3 on page 2 where they employ "such reasonable, technical, professional and clerical services as may be necessary in carrying out its purposes." After the technical and professional and clerical services are performed, the next Legislature has to dig up the money to pay the bills.

Ladies and gentlemen, I believe we can live without this bill, probably much better than we can with it, and I would concur with the motion of the gentleman from South Portland to indefinitely postpone the bill and all its papers.

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

Mr. HINDS: Mr. Speaker, I'd like to pose a question through the Chair to anyone on the Committee who might like to answer it. In the first section of the bill it says, if they will appoint representatives of these different departments and legislative committees. It says there will be a Chairman of the Welfare Committee will serve on this Board and the Legislature hasn't had a welfare committee for some time. I was wondering who would serve in that capacity.

The SPEAKER: The gentleman from South Portland poses a question through the Chair to any

member who may answer if they so desire.

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

Mr. ROY: Mr. Speaker and Members of the House: I think what was meant in the bill was the Chairman of the Health and Welfare Committee, that is the legislative chairman. As the sponsor of this bill by request, I'd like to bring out a few facts.

As you all have before you, there was distributed by Senator Harding, the breakdown as to what the expenditure is on state government. As you see on your chart under Mental Health and Corrections, \$37.1 million is spent. Health and Welfare, 37.6. Under protection which in turn a lot of this referred to your juvenile and also to your Mental Health, and to your Mental Health hospital. It comes up to 74.7—I will correct myself on this, it's \$80.2 million, which is a far cry as to what we spend on education and other parts of government.

I think as human beings we deserve the courtesy, the ability to look out after other human beings which in turn are not capable.

What this particular bill will do, as Mr. Littlefield pointed out under section 2, the last paragraph of \$200,000. This amount of money is already taken in by the Mental Health from individuals who can afford to pay for the services that are rendered by the state to the patients that they have in the hospitals.

There are millions of dollars spent today under the Ford Foundation and similar foundations in research work. As far as money spent by the State of Maine in research work for mental health, the amount of money is very small.

To give you the average cost of a patient in the Augusta hospital, it is \$2,765 a year. In the Bangor hospital the cost is \$2,315 per year. At Pineland Hospital, where services are required for those who are more disabled than others, is \$3,388 per year.

The amount of people that are checked in to these hospitals per year is between seven to 800 people per year. The age group is between

20 and 40. What are their major problems? One of the major diseases which affect mental health is schizophrenia which means "split personality." I say to you, and I quote as I heard from one of the great men in mental health when he spoke before the Legislature at the University of Maine, the famous Dr. Menninger, of the Menninger Foundation. He said: "What is worth all the brick and mortar that any state or any foundation can put up when you don't have the brains to offer service to these people." If by setting up a research in the State of Maine we in turn can save ten percent the amount of people that are taken into these hospitals in a year, I think we have accomplished quite a bit.

The amount of juvenile delinquency in this state is roughly about a thousand a year, and it's checked here.

I ask that the members of the House take in their honest consideration as to help their fellow man to rehabilitate him back to society. Thank you.

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

Mr. GILL: Mr. Speaker and Members of the House: I perhaps take a second place to no one in support of our state institutions of this type. I would simply remind the gentleman from Winslow, Mr. Roy, that all of this information and these research projects that he is speaking of are taken care of by the National Mental Health Institution which is a federal agency in Washington, and all of this material can be obtained from them for the price of a five-cent stamp.

I do oppose this document, when I first saw it, it's L. D. 100. Number 100 when I was in school was a connotation of something that was good. It was a good bill. However, this falls far short of a good piece of legislation. We are—I notice in the first section we have the chairman of the Advisory Committee on Health and Welfare. This is a committee that is established by statute in the State of Maine and they are supposed to meet at least twice a year, and

I know up to the 102nd Legislature they were meeting on an average of once every one and a half years, and so we are going to put the chairman of this Committee on here. I see we also have got something for the legislators, so this will appear to us, the chairmen of varying legislative committees are going to be a part of this Board.

I also see that Board members shall be compensated for their actual expenses incurred in carrying out the functions of the Board. I do not know if this would permit them to attend a convention on mental health in Hawaii or anything, but there certainly would be nothing to stop it if the Board saw fit.

I am also a little concerned with the fact that originally this was going to require \$200,000 and now they feel they can do the same thing for \$25,000, and for this reason I am opposed to this legislative document because if we are able to save \$175,000 I feel we should go along and save this \$25,000.

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

Mr. DENNETT: Mr. Speaker and Members of the House: Again, I have no desire to prolong this argument, but this bill was heard before the Committee on State Government. I believe the various heads of such as Mental Health and Corrections, and Health and Welfare and so forth, appeared before the Committee and spoke very strongly for the bill. At the time, again as I can recall, there were no opponents.

I would remind the members of this House that the appropriation of these funds comes directly from monies that are paid in for the support of patients at Pineland and the Augusta State Hospital and so forth and so on, and is not a direct appropriation out of the General Fund. The amount which was originally set at more or less \$200,000 was amended down to \$25,000 because the committee felt that perhaps \$200,000 was too much; but the purpose of this bill was a sound one, a good one, and at least they should be allowed a little money to start their program which conceivably could be very effective,

and the report out of the committee was unanimous.

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

Mr. HINDS: Mr. Speaker and Members of the House: Just to clarify a little more one of the gentleman from Kittery, Mr. Dennett's, remarks on the cost of this bill. This does come from patient fees, but this would decrease the amount of money brought into the General Fund so there would be less income for the state; so it would still cost the state because we do get income and it goes into the General Fund and is credited there.

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

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: I fail to see how this bill isn't going to cost a lot of money before we get through with it, and it looks like a duplication of services to me.

In the State of Maine we have a number of agencies that supply information to develop human resources, and I am one hundred percent in favor of it, I think we should do something for retired people. But we have these bureaus — there's the Maine Employment Security Commission, the Department of Economic Development, the Manpower Advisory Committee, Division of Economic Opportunity, Adult Education, Manpower Development and Training, Vocational-Technical Institutes, Division of Vocational Rehabilitation, Division of Family Service and Child Welfare, Work Experience Program, F.H.A., Bureau of Apprenticeship and Training, Economic Development Administration, Department of Indian Affairs, Comprehensive Economic Planning, and the U. of M. Extension Service, and we only have one million people in the whole state.

These bureaus, commissions and agencies make up the Maine State Manpower Coordinating Committee which is regulated by the Federal Development and Training Act, and it would seem to me that some-

where among this conglomeration of bureaus there must be men to take care of the purposes called for in this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Orono, Mrs. Cornell.

Mrs. CORNELL: Mr. Speaker and Members of the House: I would just hope that this bill would be allowed to pass through and lie on the appropriations table to be judged on its own merits along with several other bills that we've passed through.

I would like to point out that it is very difficult to definitely see what is going to come out of any specific research project or program. I doubt, if we had been asked to put up money for hundreds and hundreds of other research programs in the past from the Legislature, if we would have thought them worthwhile anyway here, but still the research was started and we all seemed to benefit from these things as the years go on and knowledge is accumulated.

One of the opponents suggested that the people could get their information from a National Association of Mental Health or something. Well I don't think you can do much in the State in a research line just by reading something that somebody else has done. You have to apply it in your own community and see if this works for you. I don't think any mental health research can go on in a laboratory the way research for medicines can, and I strongly urge you to adopt this report and its amendments.

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

Mr. ROY: Mr. Speaker and Members of the House: I will be very brief. One of the main reasons in research is to get to the problem before it becomes a liability on society. By going into this type of a program, as it was explained to me, you have an awful lot of your people today — especially your younger generation, who become very disturbed. This type of program would provide pilot projects throughout the state where individuals could get help, other

than walking into a psychoanalysis office, he would probably be more at ease to walk into another office with a different type of lettering over the door, where he could bring his problem or her problem to the individual.

I could go on for quite a bit of time here, giving you different examples, but I feel that in your own mind you can apply your own judgment as to what should be done for the mentally ill and those that are on the verge. As time goes on you will find there is another one that's added to the mental health institutions throughout the State. If we in turn cannot provide for them, they in turn cannot provide for themselves. If we in turn can prevent this, before they get to that point, we have gained a milestone in mental health. I ask for a division when the vote is taken.

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

Mr. SNOWE: Mr. Speaker and Members of the House: I too go along with the motion to indefinitely postpone. This looks like just another board to me, and I talked to one of the people that will be on this board this morning and he is very much opposed to it.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Gill, that Bill "An Act to Create a Maine State Board of Human Research and Development," House Paper 75, L. D. 100, be indefinitely postponed. The Chair will order a vote. All those in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

53 having voted in the affirmative and 43 having voted in the negative, the Bill was indefinitely postponed and sent up for concurrence.

The Chair laid before the House item one under Orders of the Day, that was tabled and later today assigned by the gentleman from Auburn, Mr. Snowe:

Bill "An Act relating to Retirement Benefits for Policemen and

Firemen of the Lewiston Police and Fire Departments Under the State Retirement System" (S. P. 568) (L. D. 1438) (In Senate, passed to be engrossed)

Tabled — June 2, by Mr. Cote of Lewiston.

Pending — Passage to be engrossed.

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

Mr. SNOWE: Mr. Speaker, I would defer to Mr. Minkowsky.

The SPEAKER: The gentleman from Lewiston, Mr. Minkowsky, may speak in his own right, and the Chair recognizes that gentleman.

Mr. MINKOWSKY: Mr. Speaker and Members of the House: At this late hour, I don't think anybody is too much in favor of discussing a bill, especially a Lewiston bill, but apparently this was the wish of many concerned so I will discuss this particular matter at the present time.

Last Friday night I made my feelings very clear on this particular matter. I asked that this bill be tabled until today. From last Saturday morning until late last night I have been receiving telephone calls from constituents in Lewiston and all walks of life expressing appreciation for bringing this matter on L. D. 1438, to their attention. For approximately every 25 telephone calls expressing alarm, and, I might add, hostility towards this measure, the one out of the 25 that favored this measure I assume was a relative or friend of a fireman or policeman and were more concerned with my political future. I was told in no uncertain terms that I was about to commit political suicide and they added I'm sure you don't want to do that.

Members of this body, I was not sent up here by the citizens of Lewiston to enter a popularity contest but to voice their opinions and feelings and I intend to do just that. I could care less regarding the term "political suicide" because this is the will of the people of Lewiston and not that of a minority group. I assure you, I would much rather stand here defending

their feelings and be able to live with my conscience than to become a conformist and just go along with the boys. I am sure I won't be accused by the citizens of Lewiston for not doing anything on such a crucial issue. I'd much rather be accused of attempting to do something instead of nothing at all. After all, this is a democracy and sound legislation is the end product of analyzing, disseminating, evaluating and debating a measure of this type. Back a few years ago, these city employees — I am referring to firemen and policemen, were offered a Social Security plan but they turned it down. Now let's get right to the root of the issue. Presently these policemen and firemen are under the Maine State Retirement System on a contributory basis and must work to age 55 before being eligible to draw a pension. Many of these employees retire after 25 or 30 years service and then in some cases go to work for private enterprise or in some other cases the Sheriff's Department, and then become eligible for Social Security benefits in addition to their retirement pension. At the present time, many are working either for themselves or private enterprise on a part-time basis and are building up Social Security credits.

What I'm getting at is this — this plan that is being discussed here would allow a man to retire at the age 46 after 25 years of service at 50 percent of his base pay. This new system would cost an additional 18 to 19,000 dollars per year at the present time to the City of Lewiston on a non-contributory basis, plus what the City is already paying on a contributory basis, and only to these two classifications of employees. Should the City's general office help, the Public Works, the very loyal and dedicated teachers and other areas feel that they are just as much entitled to retirement benefits, on the same basis as the firemen and policemen, then just how much more will it cost the City to pacify this group which are also City employees?

As one citizen stated, and this was a remark from a citizen, the

firemen and policemen made their own choice as to what they wanted to do as far as employment. They got better than the average pay compared to mill workers and shoe shop workers on a steady year round basis with no layoffs. They got better than the average in insurance benefits and other fringe benefits. Now they want us to further secure them with additional tax dollars so that they can retire earlier in life and then go out and take one of our jobs for additional income, then retire again with Social Security, while I just retire on Social Security and must keep up with current living expenses and take from my Social Security in the form of property taxes and contribute further to their retirement while they can live like country gentlemen, while I make sacrifices just to be able to hold on to my property and other necessities.

I understand that some will receive as many as three checks. Yes, one from service connected disability, the second from the Maine Retirement System and finally Social Security. The average citizen in Lewiston holds down one job until he retires because that job takes up all his time while the fireman can presently hold down two jobs during his productive years and still can receive two pension checks.

Why should a man who is a mill worker contribute further in tax money to this retirement plan for the benefit of these city employees who will eventually take his job away or that of one member of his family when he retires at age 46? Let's analyze this bill now, that all 600 city employees are going to benefit from it—not just the firemen and policemen, because in essence this will be the end result. This measure reminds me of the proposed third bridge across the Androscoggin River, we just don't know where it is going.

These are my constituents, ladies and gentlemen of the House, in Lewiston, but also they are citizens of Maine and the defeat of L. D. 1438 is equally as much your responsibility as a State Representative as it is mine.

Now at the present time I also have a letter from the Mayor of the City of Lewiston and it reads as follows. It was dated June 5, 1967, and it says:

“Dear Legislators,

As Mayor of the City of Lewiston, I urge you not to vote in favor of Bill L. D. 1348. The reason I am not in favor of this bill is because the City cannot absolve this proposal without an increase in taxes. Furthermore, this plan encompasses only the firemen and the policemen which would include approximately 150 people. A minimum cost per year will be \$19,000 and with further escalation costs this would eventually cost one fourth of a million within the next ten (10) years.

Ladies and gentlemen, none of you are naive enough to believe that the remaining city employees, approximately 450 excluding the firemen and the policemen, are not going to ask to be included in this pension plan at a later date. I promise you that one of the first bills submitted will be from these city employees. After all, as the old proverb says, “What is good for the goose is good for the gander.” Therefore, you must assume that the cost will more than triple and God knows what it will cost after the ten (10) years when the employees start retiring.

At no time was I consulted pertaining to this bill and therefore was unable to participate until I found out from a Mr. Walter of the Maine State Retirement System what the cost would be. I thank you at this time for the courtesy extended to this Legislature who has been kind enough to read this letter from my office.

Sincerely,

William Rocheleau, Jr.  
Mayor of Lewiston”

Mr. Speaker, I now request a roll call vote on L. D. 1438 and respectfully urge every member of this House to go along with me in defeating this measure. Thank you.

The SPEAKER: Did the gentleman make a motion?

Mr. MINKOWSKY: I did, Mr. Speaker, I make this in a form of a motion for a roll call vote.

The SPEAKER: What was the gentleman's motion, pending passage to be engrossed or indefinite postponement?

Mr. MINKOWSKY: The motion was for indefinite postponement, Mr. Speaker.

The SPEAKER: Indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In the first place, I guess there are some who are much more popular than I am in Lewiston and after hearing the remarks of the previous speaker I am convinced of it when he remarks that he got several phone calls and several people stopped him on the street.

Now, since a week ago last Friday, my phone has been very easily accessible to, and I have been close to it, and I assure you that I get my certain percentage of phone calls at home. I have not had a single person call me for or against this measure.

Now as far as the other departments in Lewiston requesting the same treatment, I might state that this measure is part of the Maine State Retirement System and it is in this section that I read, "that each participating local district by filing with the Board of Trustees a duly certified copy of this action may provide a retirement benefit for policemen, firemen, sheriffs and full-time deputy sheriffs in lieu of retirement benefits otherwise provided in this chapter for employees of one-half salary after having completed 20 to 25 years of service, which benefit shall be based upon the amount of the annual rate of salary being paid such individuals at the point of retirement. If and when such base schedule salary of policemen and firemen increase the retirement benefits of those officers or any retired shall be just as effective as of the date that such increases are granted active officers."

It appears that by the law that this privilege is granted to members of the police and fire department due to the fact that

these are hazardous jobs. In our particular area in Lewiston, only recently, one police officer was shot to death while in the line of duty and I think within the last three or four weeks you people in this branch have seen of a young man who dropped dead at the fire of smoke inhalation and heart attack.

Now, the matter is brought out about a person who would, be, say at the age of 30 would apply for a job and his retirement would be 25 years, it would mean in effect that his retirement would be effective at the end of his twenty-five years step and he would be fifty-five, therefore, under the present law, he would start drawing his pension check.

The incentive there that if a man is twenty-one wears of age, twenty-one or twenty-two but say twenty-one, if he worked twenty-five years he has to wait for nine years. It is very obvious, that we have to have some incentives if we are to keep the people in our fire departments or police department or in our State Police or whatever other area outside of Lewiston within our police and fire departments. Insofar as the mention of a third bridge, resembling, this bill resembling a third bridge with no location to it, it seems to me that there are some people who are mighty quiet around here up until such time as they get their pet projects through without obvious objection. And then all at once it creates themselves with a sanctimonious halo around their heads and I am sick and tired of listening to it. Insofar as this measure is concerned, I have not asked one single member of this House to vote for or against it. The bill stands on its merits. Remembering that only this morning that we turned to the member from Old Town, the gentleman from Old Town, Mr. Binnette on the Legal Affairs Committee with three reports and voted practically unanimous because it was a bill concerning his home town and the bill had Report "A", "B" and "C", three different reports, and we went with him based on the fact that the report concerned him and we should go along with what he



wanted in his city, it appears to me that five out of six members of our delegation are for this bill, coupled with the fact that there was no opposition at the hearing and the report of the Committee was ten-0 Ought to Pass.

And remembering what happened to other legislation with ten to 0 "Ought to Pass" reports of a few weeks ago, I would think this measure would get the same treatment and I certainly hope that any move to indefinitely postpone this bill that came out with a ten to 0 "Ought to Pass" Report will fail of being passed.

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

Mr. GAUDREAU: Mr. Speaker and Members of the House: I'm from Lewiston and I certainly did not receive one single call on this measure. There was no opposition at the hearing. The Mayor of Lewiston supported this measure before the Legal Affairs Committee although he probably has now changed his mind. The cost of \$18,000 to the City of Lewiston was stated at the hearing. Anytime you give a raise or added fringe benefits to a group of employees, there is a cost factor and when you multiply that by ten, of course the figure skyrockets.

For instance, if the salary of all our city employees was increased by \$5 a week, and that's not a big increase, the projected cost to the taxpayers is well over one and a half million dollars for a period of ten years.

Public safety personnel are very important to any city and the added features of this pension plan will encourage young, qualified men to work as policemen and firemen and increase the morale of our present public safety personnel.

The gentleman from Lewiston, Mr. Minkowsky, read a letter from the Mayor. I think I will read this editorial that appeared in the Lewiston Evening Journal, headed "Lewiston Pension Plan".

"One of the more important factors in maintaining capable public safety departments in any municipality is the ability to attract competent people. And this ability depends greatly upon what the

municipality offers its employees in the way of wages and pension benefits. This is why we believe the police and fire department pension bill for Lewiston sponsored by State Senator Romeo T. Boisvert represents sound legislation.

"It is true the proposal will cost Lewiston taxpayers something over the years. Mayor William Rocheleau, Jr., who has joined former mayor and now State Senator Robert L. Couturier, in opposing the bill, estimates it will cost Lewiston a minimum of \$19,000 a year, and an average of \$25,000 a year over the next decade. He bases his opposition upon these statistics.

"We think the cost far from prohibitive. By way of proving our point, a \$25,000 a year additional cost on the basis of Lewiston's current valuation would represent just slightly more than one-eighth of a mill. For the home owner with a property tax of \$325, the added cost would be a bit below two dollars."

This is quite long, I won't read all of it. The paper and the editorial are very much in favor of this. At the committee there was no opposition, I thought everybody was in favor of it. Now, some supporters may have changed their minds, but the only reason I can think of is that the cold war of Lewiston politics has finally turned into a hot war. It's as simple as that. I think this has vindictive action with repercussions from the last mayor's election. Thank you.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: I dislike some of the reflections cast upon the present Mayor, one of the ablest gentlemen in Lewiston. Besides being the present Mayor, as I remember, he was the former County Attorney. The previous Mayor is also on the side of having this put into the ash can, and the gentleman — the vendetta, if I pronounced that correctly, is all on the part of Mr. Jalbert, Representative Jalbert and some of his associates who have been carrying on this feud for years. Now I hate to have to speak so frankly and right to the point, but you can decide between the two

former mayors and Representative Minkowsky and decide whether they have the knowledge, the ability and whether they are operating on a higher degree of ethics and decency than Mr. Jalbert and some of his supporters. Thank you. Go along and throw this figure to the discard. Go along with Representative Minkowsky. Thank you.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I don't want to belabor this issue any more. All I want to do is to keep the record clear. I want to go on record as favoring this bill. I think it has been long overdue in the City of Lewiston. Other police departments and firemen in the State of Maine have this type of legislation. I think it is going to be good for the morale of the City of Lewiston, so I want to go publicly on record so no one will be mistaken, that I favor the passage of this bill and I hope you vote against indefinite postponement.

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

Mr. TANGUAY: Mr. Speaker and Members of the House: I, also, am a Lewiston Legislator. I hesitate to get up on this particular subject, but it is my belief that when you have five members of a delegation out of six elected representatives who favor any particular legislation for the area which they represent that the people in the area in question are well represented by a substantial majority; therefore, I urge each and every one of you to support the majority Ought to Pass Report of the Committee, a twenty-five to five majority of the other unmentionable branch, and the majority of the delegation which is five to one who favor this bill. Thank you.

The SPEAKER: All those in favor of a roll call will vote yes, those opposed no, and the Chair will open the vote.

A vote of the House was taken, and more than one fifth of the members present having ex-

pressed a desire for a roll call, a roll call was ordered.

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

Mr. LITTLEFIELD: Mr. Speaker, I would inquire if a quorum is present.

The SPEAKER: The question of quorum has been raised. For the Chair to determine whether we do have a quorum, we will have a poll of the House. Every member present will vote yes when the vote is opened and the Chair opens the vote.

A poll of the House was taken.

The SPEAKER: Obviously, there is a quorum present. The pending question is the motion of the gentleman from Lewiston, Mr. Minkowsky, that L. D. 1438, Bill "An Act relating to Retirement Benefits for Policemen and Firemen of the Lewiston Police and Fire Departments Under the State Retirement System" be indefinitely postponed.

All of those in favor of indefinite postponement will vote yes; those opposed will vote no, and the Chair will open the vote.

### ROLL CALL

YEA — Belanger, Berman, Bragdon, Buck, Bunker, Carswell, Clark, Crockett, Crommett, Dennett, Dudley, Dunn, Edwards, Ewer, Fuller, Hanson, H. L.; Hennessey, Hewes, Hichens, Immonen, Lewin, Littlefield, Meisner, Minkowsky, Mosher, Nadeau, J. F. R.; Porter, Quinn, Richardson, H. L.; Rocheleau, Sawyer, Scott, C. F.; Scott, G. W.; Scribner, Snow, P. J.; Snowe, P.; Sullivan, Watts, Wight.

NAY — Baker, E. B.; Bedard, Birt, Brennan, Burnham, Cornell, Cote, Cottrell, Couture, Curran, Danton, Drigotas, Drummond, Farington, Foster, Gaudreau, Gill, Harvey, Henley, Hinds, Jalbert, Jameson, Levesque, Martin, Pike, Prince, Rackliff, Richardson, G. A.; Rideout, Robinson, Roy, Shaw, Shute, Starbird, Tanguay, Trask, Truman, Waltz, Wheeler, White.

ABSENT — Allen, Baker, R. E.; Beliveau, Benson, Bernard, Binnette, Boudreau, Bourgoin,

Bradstreet, Brown, Carey, Carrier, Carroll, Champagne, Conley, Cookson, Crosby, Cushing, D'Alfonso, Darey, Dickinson, Durgin, Eustis, Evans, Fecteau, Fortier, Fraser, Gauthier, Giroux, Hall, Hanson, B. B.; Hanson, P. K.; Harnois, Harriman, Hawes, Haynes, Healy, Hodgkins, Hoover, Huber, Humphrey, Hunter, Jannelle, Jewell, Keyte, Kilroy, Kyes, Lebel, Lewis, Lincoln, Lycette, Maddox, McMann, McNally, Miliano, Nadeau, N. L.; Noyes, Payson, Pendergast, Philbrook, Quimby, Robertson, Ross, Sahagian, Soulas, Susi, Thompson, Townsend, Williams, Wood.

Yes, 39; No, 40; Absent, 71.

The SPEAKER: The Chair will announce the vote. Thirty-nine having voted in the affirmative and forty having voted in the negative, the motion to indefinitely postpone does not prevail.

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

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(Off Record Remarks)

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On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.