

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, May 23, 1969

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

Prayer by the Rev. Mr. Malcolm Galbraith of Hallowell.

The journal of yesterday was read and approved.

Conference Committee Reports

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Membership on the Board of School Directors" (H. P. 981) (L. D. 1265) reporting that the House recede from passage to be engrossed; recede from adoption of House Amendment "A" as amended by House Amendment "A" thereto; recede from adoption of House Amendment "A" to House Amendment "A" and indefinitely postpone same; adopt House Amendment "A" and pass the Bill to be engrossed as amended by House Amendment "A" that the Senate recede and concur with the House.

(Signed) MOORE of Cumberland
STUART of Cumberland
MARTIN of Piscataquis
—Committee on part of Senate.
FINEMORE

of Bridgewater

MILLETT of Dixmont

—Committee on part of House.

Report was read and accepted.

The House voted to recede from passage to be engrossed and from the adoption of House Amendment "A" as amended by House Amendment "A" thereto, and from adoption of House Amendment "A" to House Amendment "A". House Amendment "A" to House Amendment "A" was indefinitely postponed. House Amendment "A" was adopted.

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

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Regarding the Membership of School Committees and Boards of School Directors" (H. P. 1088) (L. D. 1342) re-

porting that they are unable to agree.

(Signed) KATZ of Kennebec
STUART of Cumberland
—Committee on part of Senate.
HICHENS of Eliot
MILLET of Dixmont
CUMMINGS of Newport
—Committee on part of House.

Report was read and accepted and sent up for concurrence.

**Papers from the Senate
Reports of Committees
Leave to Withdraw**

Report of the Committee on Judiciary on Resolve Authorizing W. H. Hinman, Inc., to Bring Civil Action Against the State of Maine (S. P. 208) (L. D. 617) which was recommitted reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Covered by Other Legislation

Report of the Committee on State Government on Resolve Proposing an Amendment to the Constitution to Provide for the Election of Officers by the Senate (S. P. 179) (L. D. 578) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act Outlawing Trading Stamp Disbursement and Contests or Games by Establishments Selling Motor Vehicle Fuel" (S. P. 330) (L. D. 1129)

Report of the Committee on State Government reporting same on Resolve Proposing an Amendment to the Constitution Authorizing the Legislature to Enact Bond Issues, to be Ratified by the People upon Petition or Referral by the Legislature (S. P. 2) (L. D. 16)

Came from the Senate read and accepted.

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

**Ought to Pass
Recommitted**

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Immunity of Government Employees under Civil Defense Law" (S. P. 166) (L. D. 540)

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

In the House, the Report was read.

On motion of Mr. Berman of Houlton, recommitted to the Committee on Judiciary in non-concurrence and sent up for concurrence.

Report of the Committee on Legal Affairs reporting "Ought to pass" on Resolve Changing Name of Louse Island, Penobscot County, to Thoreau Island (S. P. 457) (L. D. 1503)

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

In the House, the Report was read and accepted in concurrence, the Resolve read once and assigned the next legislative day.

**Ought to Pass with
Committee Amendment**

Report of the Committee on Health and Institutional Services on Bill "An Act Licensing Administrators of Medical Care Facilities other than Hospitals" (S. P. 311) (L. D. 1026) reporting "Ought to pass" as amended by Committee Amendment "A" (S-156) submitted therewith.

Report of the Committee on Judiciary on Bill "An Act Revising the Laws Relating to the Law Court" (S. P. 170) (L. D. 544) reporting "Ought to pass" as amended by Committee Amendment "A" (S-168) submitted therewith.

Report of same Committee on Bill "An Act to Prohibit Possession of Machine Guns" (S. P. 298) (L. D. 991) reporting "Ought to pass" as amended by Committee Amendment "A" (S-169) 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, the 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 the Bills assigned for third reading the next legislative day.

Final Report

Final Report of the following Joint Standing Committee:

Public Utilities

Came from the Senate read and accepted.

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

Non-Concurrent Matter

An Act relating to Suspension of Motor Vehicle Operator's License for Nonappearance in Court (S. P. 398) (L. D. 1350) which was passed to be enacted in the House on May 15 and passed to be engrossed as amended by Committee Amendment "A" on May 13.

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

In the House: The House voted to recede and concur with the Senate.

**Non-Concurrent Matter
Tabled and Assigned**

Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act to Provide a Uniform Fiscal Year for Municipalities" (H. P. 98) (L. D. 106) which was read and accepted in the House on May 14.

Came from the Senate with the Bill substituted for the Report and passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Dennett of Kittery, tabled pending further consideration and specially assigned for Monday, May 26.

Non-Concurrent Matter

Bill "An Act to Authorize Bond Issue in the Amount of \$310,000 for the Construction of Educational, Recreational, and Water and Sewage Facilities at the Indian Reservations" (H. P. 312) (L. D. 399),

which was passed to be engrossed as amended by Committee Amendment "A" in the House on May 20.

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

In the House: The House voted to recede and concur with the Senate.

Non-Concurrent Matter

Bill "An Act relating to Harness and Running Horse Races on Sunday" (H. P. 1069) (L. D. 1398) which was indefinitely postponed in the House on May 13.

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

In the House: On the motion of Mr. Kelleher of Bangor, tabled pending further consideration and specially assigned for Monday, May 26.

Non-Concurrent Matter

Bill "An Act Providing for Androscoggin County Funds for Child and Family Mental Health Services" (H. P. 1084) (L. D. 1405) which was passed to be engrossed as amended by House Amendment "A" in the House on May 7.

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 Mr. Jalbert of Lewiston, the House voted to insist.

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn they adjourn to Monday, May 26, at 4 o'clock in the afternoon. (S. P. 473)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

House Reports of Committees Leave to Withdraw

Mr. Scott of Wilton from the Committee on Business Legislation on Bill "An Act Creating the Uniform Consumer Credit Code" (H.

P. 800) (L. D. 1231) reported Leave to Withdraw.

Mr. Moreshead from the Committee on Judiciary reported same on Bill "An Act relating to Evidence of Payment of Compensation or Medical Expenses in Civil Actions" (H. P. 954) (L.D. 1235)

Mr. McTeague from the Committee on Labor reported same on Bill "An Act Repealing Exclusion of Seasonal or Casual Farm Laborers from Workmen's Compensation Law" (H. P. 1038) (L. D. 1363)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass Tabled and Assigned

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Payment of Life Insurance Premiums of State Employees" (H. P. 1020) (L. D. 1328)

Report was read.

(On motion of Mrs. Wheeler of Portland, tabled pending acceptance of Report and specially assigned for Monday, May 26.)

Mr. Brennan from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Larceny by One Trusted with Property and Conversion by Insurance Agents" (H. P. 956) (L. D. 1237)

Same gentleman from same Committee reported same on Bill "An Act Revising the Laws Relating to Disclosures of Debtors" (H. P. 893) (L. D. 1154)

Mr. Moreshead from same Committee reported same on Bill "An Act to Amend the Law Relating to the State's Right of Appeal" (H. P. 521) (L. D. 692)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Dennett from the Committee on State Government reported "Ought not to pass" on Bill "An Act Establishing a State-Municipal Government Revenue Sharing Program" (H. P. 1174) (L. D. 1498)

Report was read.

(On motion of Mr. Fecteau of Biddeford, tabled pending acceptance of Report and specially assigned for Monday, May 26.)

**Ought to Pass in New Draft
New Drafts Printed
Tabled and Assigned**

Mrs. Lincoln from the Committee on Claims on Resolve in Favor of Matinicus Isle Plantation (H. P. 922) (L. D. 1183) reported same in a new draft (H. P. 1213) (L. D. 1545) under same title and that it "Ought to pass"

Report was read.

(On motion of Mr. Richardson of Stonington, tabled pending acceptance of Report and specially assigned for Monday, May 26.)

Mr. Shaw from the Committee on Legal Affairs on Bill "An Act Providing for Regulating Water Well Construction and Pump Installation" (H. P. 999) (L. D. 1301) reported same in a new draft (H. P. 1214) (L. D. 1546) under same title and that it "Ought to pass"

Mr. Eustis from the Committee on Natural Resources on Bill "An Act relating to Realty Subdivisions" (H. P. 680) (L. D. 879) reported same in a new draft (H. P. 1215) (L. D. 1547) under same title and that it "Ought to pass"

Mr. Ross from the Committee on Taxation on Bill "An Act relating to the Taxation of Farm Machinery, Equipment, Fowl, Broilers and Livestock" (H. P. 490) (L. D. 644) reported same in a new draft (H. P. 1216) (L. D. 1548) under title of "An Act relating to the Taxation of Farm Machinery" and that it "Ought to pass"

Mrs. White from same Committee on Bill "An Act Increasing the Gasoline Tax" (H. P. 359) (L. D. 467) reported same in a new draft (H. P. 1217) (L. D. 1549) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and assigned the next legislative day.

**Ought to Pass
Printed Bills**

Mr. Berman from the Committee on Judiciary reported "Ought to pass" on Bill "An Act to Regulate Home Solicitation Sales" (H. P. 758) (L. D. 978)

Mr. Hewes from same Committee reported same on Bill "An Act Creating the Uniform Recogni-

tion of Acknowledgments Act" (H. P. 931) (L. D. 1192)

Mr. Moreshead from same Committee reported same on Bill "An Act Increasing Limits of Liability under Financial Responsibility Law and Uninsured Motorist Law" (H. P. 145) (L. D. 171)

Mr. Donaghy from the Committee on State Government reported same on Resolve Proposing the Acceptance of a Master Plan Prepared by the Capitol Planning Commission (H. P. 578) (L. D. 763)

Miss Watson from same Committee reported same on Bill "An Act to Establish Revised Boundaries for the Master Plan of the Capitol Complex Area at Augusta" (H. P. 577) (L. D. 758)

Reports were read and accepted, the Bills read twice, Resolve read once, and assigned the next legislative day.

**Ought to Pass with
Committee Amendment**

Mr. Scott of Wilton from the Committee on Business Legislation on Bill "An Act relating to Bank Reporting, Reserves and Loan Limits" (H. P. 542) (L. D. 721) reported "Ought to pass" as amended by Committee Amendment "A" (H-376) submitted therewith.

Mrs. Lincoln from the Committee on Claims on Resolve to Reimburse Walter Ware of Benton for Well Damage by Highway Maintenance (H. P. 802) (L. D. 1041) reported "Ought to pass" as amended by Committee Amendment "A" (H-377) submitted therewith.

Reports were read and accepted, the Bill read twice and the Resolve read once. Committee Amendment "A" to each was read by the Clerk and adopted, and the Bill assigned for third reading and the Resolve assigned for second reading the next legislative day.

Divided Report

Report "A" of the Committee on Claims on Resolve to Reimburse Norman E. Dudley of Waite for Well Damage Caused by Road Construction and Highway Maintenance (H. P. 681) (L. D. 880) which was recommitted, reporting "Ought

to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. QUINN of Penobscot
—of the Senate.
Messrs. QUIMBY of Cambridge
SHELTRA of Biddeford
Mrs. LINCOLN of Bethel
Mr. CURTIS of Bowdoinham
—of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

Messrs. GORDON of Cumberland
LOGAN of York
—of the Senate.
Mr. CROTEAU of Brunswick
Mrs. MORGAN
—of South Portland
Mr. MARQUIS of Lewiston
—of the House.

Reports were read.

On motion of Mrs. Lincoln of Bethel, Report "A" "Ought to pass" was accepted.

The Resolve was read once.

Committee Amendment "A" (H-378) was read by the Clerk and adopted and the Resolve assigned for second reading the next legislative day.

**Divided Report
Tabled and Assigned**

Report "A" of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Charitable Organization's Immunity in Civil Actions" (H. P. 558) (L. D. 739)

Report was signed by the following members:

Mr. MILLS of Franklin
—of the Senate.
Messrs. BRENNAN of Portland
DANTON
—of Old Orchard Beach
MORESHEAD of Augusta
BERMAN of Houlton
—of the House.

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

Report was signed by the following members:

Messrs. QUINN of Penobscot
VIOLETTE of Aroostook
— of the Senate.

Messrs. HESELTON of Gardiner
HEWES
— of Cape Elizabeth
FOSTER
— of Mechanic Falls
— of the House.

Reports were read.

(On motion of Mr. Berman of Houlton, tabled pending acceptance of either Report and specially assigned for Monday, May 26.)

**Third Reader
Amended**

Bill "An Act Increasing Salaries and Duties of Liquor Commissioners Other than the Chairman" (S. P. 151) (L. D. 432)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Hichens of Eliot offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-383) was read by the Clerk and adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Clarify the Charter of the City of South Portland" (S. P. 451) (L. D. 1491)

Bill "An Act Increasing State Aid for Construction of Highways" (H. P. 32) (L. D. 33)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Bill "An Act relating to Strikes of Insurance Agents" (H. P. 1108) (L. D. 1429)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Scott of Presque Isle offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-385) was read by the Clerk.

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: In the light of this amendment I think I should explain the original bill to you. You are aware I am sure of insurance agents who sell life,

health, hospital insurance on a weekly basis. There are agents who are known as debt agents, that is they sell insurance, then collect the premiums personally each week of the month as the case may be. These agents sell what is known in the business as industrial insurance. In some states these agents are organized and have gone on strike. The insured of course is the innocent one in such a situation. He is often uneducated and accustomed to having the premiums picked up each week. Thirty days go by and the policy lapses.

This bill merely requires the company to send notice to policyholders with instruction to make payment by mail. I feel the bill as it was originally drafted is definitely in the public interest. Now this amendment requires that the cash value be used on a policy. The original bill goes into effect in January 1970 and of course policies sold at that time it would be two years before there would be any cash value built up, so there would be really a two-year period before this would do any good.

In addition to that the notice is watered down in the amendment, by mail or by publishing in some daily newspaper, which these people might not catch and not know what to do with the premiums.

In view of this, Mr. Speaker, I move that the amendment be postponed.

The SPEAKER: The gentleman from Wilton, Mr. Scott, moves that House Amendment "A" be indefinitely postponed.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to get up in support of the Chairman of Business Legislation, Mr. Scott, who just spoke here. If this amendment goes through you will have people after thirty days who will have no life insurance coverage because they will have no reserve on their policy and they will be affected and these people are the ones that need it the most.

So I hope that you will accept the "ought not to pass."

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

Mr. FRASER: Mr. Speaker and Members of the House: The gentleman from Wilton, Mr. Scott and also Mr. Gauthier have already said the things I had planned to say and it only shows to everyone in this House that it could be very possible that people could be depending on protection that they don't have. Therefore I go along with the motion to indefinitely postpone the amendment.

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

Mr. SCOTT: Mr. Speaker and Members of the House: I rise this morning to explain my amendment a little bit. I guess also the sins of my father descend on the son. The original bill, as many bills come before us in Committee, purports to protect the public but oftentimes you find they can do just the opposite. We did not have opportunity to work this bill over very much in committee and that is why I signed the Minority Report and also offer this amendment.

The amendment goes beyond the original bill because if a strike lasts longer than three days then the policy can lapse, where my bill if on those policies that have loan situations those policies would be kept in force. So on that point I think the amendment is much better.

As far as I know this has only been tried in one state and that was Massachusetts, it was passed anyway, and that has been declared unconstitutional. They think the bill before us may have taken care of the unconstitutionality, but nobody knows. We have been advised that there were law suits, that there will be a law suit on this if the bill goes through to try to find out if it is constitutional.

I feel that neither the original bill or my amendment does very much for the public. I am concerned that the original bill—say, and these people are normally the poor people of the state who are using this type of insurance; suppose they pay \$.50 a week or

\$20.00 a month, but for some reason the debit man does not come around. By the time he does come around and they have to pay up this back amount, which they have got to do, they may be forced to lapse the policy anyway because they haven't got the money to pay for it at that time.

So I feel that I am not particularly crazy frankly about either, the original bill or my amendment, I don't feel that perhaps either should pass, but I think that my amendment is better. Thank you.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to inform this body that the report came out 7 to 3 in favor of the original bill, and this amendment as we have said previously would certainly hurt some of these people that have these life insurance policies, which they need to protect their families. So I hope that you won't go along with this and will vote for the indefinite postponement of this amendment.

The SPEAKER: The Chair will order a vote. All in favor of the indefinite postponement of House Amendment "A" to L. D. 1429 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 12 having voted in the negative, the motion prevailed.

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

Bill "An Act to Allow Corporations to Enter into Partnership or Joint Venture Arrangements with Other Corporations" (H. P. 1191) (L. D. 1512)

Bill "An Act Increasing Compensation of Councillors of Town of Mechanic Falls" (H. P. 1209) (L. D. 1538)

Bill "An Act relating to Regional Planning and Establishing Regional Councils of Governments" (H. P. 1210) (L. D. 1539)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Third Reader Amended

Resolve Authorizing the Estate of David L. Hilton, Formerly of Wells, Maine, to Sue the State of Maine (S. P. 209) (L. D. 618)

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

Mr. Heselton of Gardiner offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-346) was read by the Clerk and adopted.

Thereupon, Mr. Hewes of Cape Elizabeth offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-381) was read by the Clerk and adopted.

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

Mr. HEWES: Mr. Speaker and Members of the House: Once again I want to speak against this bill. I think that the amendments have improved it, the two amendments adopted this morning, but I still feel that — the plaintiffs in this case were the parents of this man that was shot and were harboring their son, should not benefit from their wrongdoing, and I fear that if the bill goes through as it is, which would be a suit by bereaved parents who have lost their son, I can see their counsel explaining how although their boy had gone astray as a young man, he had seen the error of his ways and would be supporting his parents for the rest of their lives. And on the other hand you have a target, the defendant, the State of Maine, the three judges would be inclined to sympathize with the bereaved parents and they can find in their favor.

Whereas if the pending suit continues on, in which you have these parents of the boy that they were harboring against the state trooper, I think there is a much better chance that the plaintiffs will get nothing. It seems to me that plaintiff's counsel, realizing it is a very difficult case, has come up with a very excellent scheme to obtain sympathy for his plaintiffs; and I therefore move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, now moves the indefinite postponement of L. D. 618.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Twice I have posed a question before this body regarding the status of a police officer in the State of Maine, preferably a state trooper, and whether he is an agent or an employee of the State. The following reply is sent to me by Daniel G. Lilley, Assistant Attorney General — State Trooper — Employee or Agent, Subject:

“Your recent inquiry regarding the status of State Troopers, and more specifically whether or not they are employees or agents of the State of Maine, has been referred to me for appropriate attention and response.

Although the characterization of a State Trooper as an ‘Employee’ of the State of Maine may have no more legal consequence regarding the resolution of the Hilton case than if a contrary classification was made, I do believe that it would be proper to describe a State Trooper as an employee of the State of Maine. Title 25, M.R.S.A. §1501 provides in part, ‘Subject to the personnel law, the Chief of the State Police may enlist suitable persons as members of the State Police to enforce the law and employ such other employees as may be necessary.’ The above cited section is the specific statutory authorization for the employment of State Police Troopers and you can see thereby that State Troopers are hired subject to the personnel law. The State Personnel Law within this general provision, defines an employee as ‘any person holding a position subject to appointment by appointing authority.’ 5 M. R. S. A. §552, subsection 6.

Since members of the Maine State Police are selected or appointed by the Chief of the State Police, as an appointing authority, subject to the Personnel Law, it would seem that a State Police Trooper is an employee within the meaning of 5 M.R.S.A. § 552, sub-

section 6 as indicated above. There is no statutory or policy reason for concluding anything else but that a Trooper is an employee of the State of Maine.”

Ladies and gentlemen, after reading this opinion from the Attorney General’s office I heartily support the indefinite postponement motion.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: This Legislature is not the proper forum to determine whether or not David Hilton was killed negligently. The proper place is the Court where the witnesses are under oath and subject to cross-examination. Three trained judges will then make a decision and if they should find negligence then I submit that the State of Maine should stand behind its State Police and answer for any judgment.

This Resolve is fair to the estate of the decedent and to the State Police officer involved. I urge you to vote against the motion to indefinitely postpone.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I stand today in full support of my very sincere and distinguished colleague from Cape Elizabeth, Mr. Hewes. On this matter I believe we have made two very serious mistakes. The good gentleman from Augusta, Mr. Lewin submitted a bill, An Act to Provide Funding for Police Professional Liability Insurance for State Police Officers — “Be it enacted by the People of the State of Maine, as follows: There is appropriated to the State Police for funding police professional liability insurance for Maine State Police officers for the fiscal year ending June 30, 1970 the sum of \$3,087.50 from the General Fund and \$9,262.50 from the General Highway Fund and for the fiscal year ending June 30, 1971 the sum of \$3,087.50 from the General Fund and \$9,262.50 from the General Highway Fund to carry out the purposes of this Act.” Or, at a cost of \$38 — only \$38 a year for each State Trooper. Each State Trooper in the

State of Maine would have been protected to the extent of \$100,000 per person or \$300,000 per incident and the aggregate of \$500,000.

This House had a chance to protect every single State Police officer in the State of Maine under Mr. Lewin's bill and what did it do? It turned down the bill flat.

Now we are on the Hilton case, point two. The State of Maine has already paid out substantial amounts of money to a very able lawyer in private practice in Portland to defend Mr. Hilton. A suit is already pending. Now if you follow my friend, the gentleman from Portland, Mr. Brennan, you are going to substitute the State of Maine as a prime target in this suit involving Trooper Manduca. Now I think that if we are going to be fair, we've got to be fair to all the troopers. At a modest cost of just about \$12,000 a year we could have protected every blessed State Trooper in the State of Maine but this House said no. I'll accept the judgment of the House, but I just wonder how fair it is to all the other troopers.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that L. D. 618 be indefinitely postponed. The Chair will order a vote. All 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.

48 voted in the affirmative and 66 voted in the negative.

Mr. Berman of Houlton then requested the yeas and nays.

The SPEAKER: The gentleman from Houlton, Mr. Berman, requests that when the vote be taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All the members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

More than one fifth having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth,

Mr. Hewes, that L. D. 618 be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Bedard, Berman, Bernier, Binnette, Bourgoin, Bragdon, Buckley, Burnham, Carrier, Carter, Casey, Chick, Clark, C. H.; Crommett, Croteau, Curran, Curtis, Drigotas, Dudley, Evans, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Giroux, Hall, Hanson, Hardy, Henley, Hewes, Huber, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Laberge, Leibowitz, Levesque, MacPhail, Marquis, McNally, Mills, Mitchell, Moreshead, Morgan, Nadeau, Ricker, Rocheleau, Sheltra, Waxman, Williams.

NAY — Allen, Baker, Barnes, Benson, Birt, Boudreau, Brennan, Brown, Carey, Chandle, Coffey, Corson, Cote, Cottrell, Cummings, Cushing, Dam, Dennett, Donaghy, Durgin, Dyar, Erickson, Faucher, Gauthier, Gilbert, Harriman, Haskell, Hawkens, Heselton, Hichens, Immonen, Jalbert, Kelleher, Kilroy, Lawry, Lebel, Lee, LePage, Lewin, Lewis, Lincoln, Lund, Marstaller, Martin, Meisner, Millett, Mosher, Noyes, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Starbird, Stillings, Susi, Tanguay, Temple, Thompson, Trask, Tyndale, Vincent, Watson, Wheeler, White, Wood.

ABSENT — Bunker, Clark, H. G.; Couture, Cox, Crosby, D'Alfonso, Danton, Emery, Eustis, Farnham, Finemore, Foster, Good, Hunter, Jameson, Johnston, McKinnon, McTeague, Norris, Richardson, G. A.; Santoro, Soulas, Wight.

Yes, 51; No, 76; Absent, 23.

The SPEAKER: Fifty-one having voted in the affirmative and seventy-six in the negative, the motion does not prevail.

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

Mr. RICHARDSON: An inquiry, Mr. Speaker, as to whether or not House Amendment "B" presented by the gentleman from Cape Elizabeth, Mr. Hewes, under filing number H-381 was adopted.

The SPEAKER: The Chair will answer in the affirmative — Both "A" and "B" have been adopted.

Mr. RICHARDSON: Mr. Speaker, I move reconsideration of our action whereby we adopted House Amendment "B" under filing number H-381.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson moves that the House reconsider its action whereby House Amendment "B" was adopted.

The gentleman may continue.

Mr. RICHARDSON: Mr. Speaker, I would like to direct an inquiry to the gentleman from Cape Elizabeth, Mr. Hewes. House Amendment "B" provides, adds a resolve to this bill providing that the sum of \$103,000 be appropriated from the General Fund to carry out the purposes of this Resolve. I would inquire of the gentleman the purpose for the presentation of that amendment.

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

Mr. HEWES: Mr. Speaker, in answer to the gentleman from Cumberland's question, perhaps you didn't know it's a suit for \$618,000. Sometimes lawyers as we know ask for a little more than they hope to get. There are six separate counts, each for \$103,000. Three of the counts were alleged negligence in — perhaps perfecting unlawful arrest or shooting when they didn't have a right to shoot. The other three counts allege failure on the policeman's part to immediately render proper medical attention or notify persons that could have saved his life. So there are in effect two claims here, each for \$309,000

As for reason for the \$103,000, as you probably know Mr. Hilton was in his early 20's and I was assuming that his parents would be about 50 years of age and the proof of facts appendix figure 10, the mortality table indicates that a person 50 years of age has a life expectancy of 26.23 years. So based on the fact that I can well imagine the evidence will develop — and as you know the damages are based upon the pecuniary loss to the parents, the amount they suffered plus the extra \$3,000 for the funeral and medical bills, the pe-

culinary loss to the parents who have a life expectancy of about 26 years, from this young man who was in his prime of life, in his 20's and presumably, I can see the evidence developing, that he had gone astray as a young man but was now, had seen the light and was going to be contributing to his parents' support for the next 26 years, I felt that \$103,000 on a \$618,000 suit was not unreasonable.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Two reactions to the answer to question. I am well aware of the fact that lawyers frequently ask for more than they think they are going to get and I would apply the same reasoning to Mr. Hewes' amendment, I think he has asked for just about \$103,000 more than he ought to get. The House Amendment "A" which is already on the bill provides and I quote, "the Attorney General or his authorized representative are not authorized to settle said action," and it's the presence of that language in there which makes any Resolve appropriating funds absolutely unnecessary.

Therefore I hope you will support the motion to reconsider the adoption of House Amendment "B" in order that I can move the indefinite postponement of the Amendment, which I say is just about \$103,000 more than is necessary. I don't want to question the gentleman's motives. It's a dandy way to kill the bill though and I'd like to have the action of the House correctly reflect the action we take.

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

Mr. BERMAN: Mr. Speaker, Members of the House: This is not any scampy way to kill the bill. If the gentleman from Cumberland, Mr. Richardson believes that this is \$103,000 too much, then what's the point of putting the State of Maine in this law suit? Is Mr. Richardson, the gentleman from Cumberland, prejudging the three judges who are going to sit on this case? I don't think that this House can prejudice what those

judges are going to do on this case, they are going to listen to the evidence and they are going to do it in a very judicious manner.

They are going to listen to the plaintiff's side; they are going to listen to the defendant's side. They can decide for the defendant in which case the State of Maine will owe the Hiltons nothing but will have an expensive lawyer's bill. They can decide for the plaintiff, in which case the State of Maine will still have an expensive defense counsel's bill and they are going to have to pay the estate of David Hilton some sum of money.

Where is the provision in this bill for that sum of money? There is none. Mr. Hewes is taking the very solid, conservative step of saying that should the judges find in behalf of the Hiltons, that should the trooper or his assistant had called medical attention which could have saved this escaping felon, then it is within the realm of probability that the State of Maine could be held liable and there's no money to pay for it. Now I say if we are going to do something, we certainly ought to pay our bills. And therefore I am against indefinitely postponing Mr. Hewes' amendment and I am against reconsideration.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I certainly disagree with Mr. Richardson as far as prejudging the case; I think the three judges can do that, but I do support his motion for reconsideration. I do not like to see a bill killed in a tricky way by adding this appropriation.

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

Mr. HEWES: Mr. Speaker and Members of the House: In defense of the motion and perhaps in defense of myself, obviously if these two parents are claiming pecuniary loss for the next 26 years, something has to be placed on the bill to pay for this. If there is any need for the bill at all, there ought to be some money to fund it. I don't say that \$103,000 is the exact fig-

ure; it might be more, it might be less, but there is nothing tricky about it and I think we ought to be funding our bills and not putting off, borrowing or not paying for things at this session until some later date. And I hope that you will defeat the motion to reconsider.

The SPEAKER: All in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

77 having voted in the affirmative and 45 having voted in the negative, the motion to reconsider did prevail.

The SPEAKER: The pending question is the adoption of House Amendment "B".

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

Mr. RICHARDSON: Mr. Speaker, I would ask the House to vote against the adoption of House Amendment "B" and I would request a division.

The SPEAKER: The pending question is the adoption of House Amendment "B". All in favor of its adoption will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

34 having voted in the affirmative and 87 having voted in the negative, House Amendment "B" failed of adoption.

Thereupon, Resolve Authorizing the Estate of David L. Hilton, Formerly of Wells, Maine, to Sue the State of Maine, Senate Paper 209, L. D. 618, was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

Amended Bills Third Reader Amended

Bill "An Act Providing a Bond Issue in the Amount of One Hundred Thousand Dollars for Docking Facilities for Passengers and Freight at Matinicus Island" (S. P. 374) (L. D. 1284)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Bragdon of Perham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-372) was read by the Clerk and adopted and the Bill passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

Bill "An Act relating to Governmental Immunity in Civil Actions" (H. P. 557) (L. D. 738)

Bill "An Act Amending the Waterville City Charter" (H. P. 958) (L. D. 1239)

Resolve to Reimburse Warren F. Chapman of Skowhegan for Well Damage by Highway Maintenance (H. P. 406) (L. D. 517)

Resolve to Reimburse Elwood A. Jepson of Norridgewock for Well Damage by Highway Maintenance (H. P. 623) (L. D. 811)

Resolve to Reimburse Elmer L. Rogers of Berwick for Well Damage by Highway Construction (H. P. 719) (L. D. 937)

Resolve to Reimburse Doris Nankervis of Franklin for Well Damage by Highway Maintenance (H. P. 854) (L. D. 1096)

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

Passed to Be Enacted Bond Issue

An Act Providing a Bond Issue in the Amount of Two Hundred and Ten Thousand Dollars for Construction of Necessary Added Facilities at Camp Waban, York County (H. P. 949) (L. D. 1227)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 97 voted in favor of same and 6 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 Appropriating Funds to Aid in Constructing a School Building in Danforth (S. P. 310) (L. D. 1025)

An Act Providing for Area Directional Signs on Maine Turnpike for Hancock and Washington County Areas (S. P. 375) (L. D. 1285)

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 Creating Aroostook County Commissioner Districts (H. P. 49) (L. D. 50)

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

The SPEAKER: The Chair recognizes the gentlewoman from Topsham, Mr. Coffey.

Mrs. COFFEY: Mr. Speaker, I now move for the indefinite postponement.

The SPEAKER: The Chair recognizes the gentlemen from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: In view of the fact that the sponsor of this legislation is ill and not in attendance I would hope someone might table this motion until Monday.

Whereupon, on motion of Mr. Ross of Bath, tabled pending the motion of Mrs. Coffey of Topsham to indefinitely postpone and specially assign for Monday, May 26.

An Act relating to Increased Board Payments for State Wards (H. P. 620) (L. D. 808)

An Act relating to Jurisdiction of Probate Court in Adoption Cases (H. P. 690) (L. D. 890)

An Act Appropriating Funds to Defray Part of Cost of Radio Homing Beacon at Norridgewock Airport (H. P. 914) (L. D. 1175)

An Act Reallocating Certain Bond Issue Funds for Norridgewock Airport (H. P. 939) (L. D. 1200)

An Act to Create a School Administrative District in the Town of Sanford (H. P. 1065) (L. D. 1394)

An Act Revising the Laws Relating to Physicians and Surgeons (H. P. 1188) (L. D. 1507)

An Act relating to Lack of Priv-
ity as a Defense in Action Against
Manufacturer, Seller or Supplier
of Goods (H. P. 1195) (L. D. 1516)

An Act Permitting Attendance
Promotions by Liquor Licensees
(H. P. 1198) (L. D. 1519) (Later
Reconsidered)

Finally Passed

Resolve to Reimburse Julia Jun-
kins of South Portland for Damage
to Property (H. P. 1078) (L. D.
1401)

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

The SPEAKER: The Chair recog-
nizes the gentleman from Au-
gusta, Mr. Lund.

Mr. LUND: Mr. Speaker, may I
inquire whether the House has en-
acted item 12, An Act Permitting
Attendance Promotions by Liquor
Licensees, House Paper 1198, L. D.
1519?

The SPEAKER: If the gentleman
is on enactors, item 12, L. D. 1519,
it has already been enacted.

Mr. LUND: Mr. Speaker, I move
that the House reconsider its ac-
tion whereby it enacted item 12.

The SPEAKER: The gentleman
from Augusta, Mr. Lund moves
that the House reconsider its ac-
tion whereby L. D. 1519 was en-
acted.

Whereupon, Mr. Cote of Lewis-
ton requested a vote.

The SPEAKER: The Chair recog-
nizes the gentleman from Au-
gusta, Mr. Lund.

Mr. LUND: Mr. Speaker, in sup-
port of my motion to reconsider
I would like to inquire of any
members of the Committee on Li-
quor Control which I assume
passed upon this bill, what is the
pressing urgency if any that re-
quires us to allow attendance pro-
motions on behalf of our liquor li-
censees? I would also like to in-
quire whether this may include the
giving away of trading stamps or
other prizes to encourage atten-
dance and consumption of intox-
icating liquor?

The SPEAKER: The Chair recog-
nizes the gentleman from Lewis-
ton, Mr. Tanguay.

Mr. TANGUAY: Mr. Speaker
and Members of the House: In
form this bill more or less at the
present stage on liquor licensee's
premises, especially in clubs where
we have promotional items around
the holidays, it would permit a li-
censee to have what they call more
or less a door prize. When we say
door prize, around Valentine's
Day it would permit us to select
one of our young ladies from the
group and give her a box of choc-
olates. Or when we have a dance
contest, for instance, we would
select the best waltz for instance.
Under the present law, now it is
illegal for the licensee to give a
prize for the best dancer on the
premises. I would also legalize,
for instance, in a pool contest
whereby the licensee cannot in any
way finance any trophies. For in-
stance, a soft-ball team that we
sponsor throughout the year, it is
illegal for a licensee to finance
trophies that will be given out at
the end of the season; so this will
legalize it.

The SPEAKER: Is the House
ready for the question? The pend-
ing question is reconsideration.
All in favor of reconsideration will
vote yes; those opposed will vote
no. The Chair opens the vote.

A vote of the House was taken.
61 having voted in the affirm-
ative and 51 having voted in the
negative, the motion did prevail.

The SPEAKER: The pending
question is enactment. Is it the
pleasure of the House that this
Bill be passed to be enacted?

(Cries of "No")

The Chair will order a vote.
All those in favor of this Bill be-
ing passed to be enacted will vote
yes; those opposed will vote no.

The Chair recognizes the gentle-
man from Lewiston, Mr. Tanguay.

Mr. TANGUAY: Mr. Speaker,
would I be in order to read a
letter from the Attorney General's
office?

The SPEAKER: The gentleman
is in order to debate the issue in
any way he chooses.

Mr. TANGUAY: Well, I have a
letter here from the Attorney Gen-
eral's office addressed to The Hon-
orable Roland D. Tanguay, House
or Representatives, State House,

Augusta, Maine, in regards to L. D. 1012, it its original form. Now it has been redrafted it came down as L. D. 1519, Re: L. D. 1012.

“Dear Representative Tanguay:

Pursuant to our discussion of the above-designated bill on April 1, 1969, I have taken the liberty of redrafting the original language of L. D. 1012.

It is my opinion that the words ‘trade or consumer buyers’ set forth in 28 M.R.S.A. §305 do not apply to customers of food or beverages on licensed premises and therefore in no manner precludes the offering of prizes, gratuities, or even price reductions in drinks offered for sale on the premises by licensees.

Recognizing that the terminology ‘trade or consumer buyers’ is general in nature and subject to a difference in interpretation as to its meaning however, I would suggest that the following language be added to section 305 of Title 28 in order to make clear the allowance of attendance promotion inducements by certain licenses.”

In other words, to clarify the law whereby most licensees are not sure whether they can go out and give out trophies of such kind.

Therefore the redraft reads:

‘Nothing in this section shall be construed to prohibit a licensed restaurant, Class A restaurant, tavern, hotel or club, from offering prizes, gratuities, or other inducements otherwise legal.’

In other words, it does not legalize gambling of any sort, because that is strictly against the law—‘to the general public as a means of promoting attendance on licensed premises.’

“I believe that the above-quoted proposed statutory language will insure the attainment of your objective.” Thank you.

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

Mr. LUND: Mr. Speaker and Members of the House: I feel a little uncomfortable wearing the mantle of a dry; I don’t think it really fits me. But I am aware that we have a number of merchandising devices that are used by filling stations in this state and

they have caused some flurry of legislation in an effort to discourage giveaways. I know that there are a number of giveaways which are contemplated in our grocery stores, which many of us feel are really a diversion of money that result in higher costs rather than lower prices.

The objective of all of this of course is to increase attendance. I have no particular quarrel with the idea of a private club which is licensed having a box of chocolates on Valentine’s Day, if that is the big deal. But I do note that the redraft very carefully specifies Class A restaurants, taverns and what have you, and it does seem to me that we already have a problem that occupies a good deal of legislative time in dealing with our liquor licensees in the state and I do not see the necessity for giving the commercial licensees of this state an additional means of attracting business. It seems to me that they should attract business by the manner of operation that they carry on and not by giving free prizes and attendance promotions.

So I hope that you vote against the enactment of this bill.

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

Mr. FAUCHER: Mr. Speaker and Members of the House: I was not going to get up on this bill, but I feel I should; I signed the “Ought not to pass” Report, because I believed that we shouldn’t pay the people to come in our place and drink, and I hope that the House kills this bill this morning. Thank you.

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

Mrs. BOUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: If I recollect correctly, I believe a few years ago we had a law on the books where restaurants could offer drinks at reduced rates between certain hours, and later on in good sense and wisdom this was abolished. And I think under this legislation they could go back to reduced rates, say between four and six in the after-

noon, or something like this; and I think this is just getting started a little too early in the afternoon.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As a teetotaler and as one who has at times imbibed over the years, nobody ever opened my mouth with a funnel and rammed one down my throat. Now this doesn't involve the giving away of a few drinks, or this doesn't involve giving away a few beers, this doesn't involve mandatory about anything—this merely is permissive. As using the words of the gentleman from Houlton, Mr. Berman, I am flabbergasted that the gentleman from Augusta, Mr. Lund would get himself tangled up into this. I move that we enact this thing and get on about our business and stop acting like children.

The SPEAKER: Is the House ready for the question? The Chair will order a vote. All those in favor of the enactment of An Act Permitting Attendance Promotions by Liquor Licensees, House Paper 1198, L. D. 1519, 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 66 having voted in the negative, the Bill failed of enactment.

Sent up for concurrence.

Orders of the Day

By unanimous consent the Chair laid before the House the eighteenth tabled and today assigned matter:

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 449) (L. D. 1483)

Tabled—May 22, by Mr. Bragdon of Perham.

Pending—Motion of Mr. Richardson of Cumberland to adopt House Amendment "B" (L. D. 1542)

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

Mr. RICHARDSON: Mr. Speaker, I offer House Amendment "A" to House Amendment "B," which has been distributed under filing number H-387, move its adoption and would speak to the motion.

House Amendment "A" to House Amendment "B" (H-387) was read by the Clerk.

The SPEAKER: The gentleman may continue.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: This seems to be our day for getting ourselves into procedural quagmires, but I do want to make it clear that House Amendment "A" to House Amendment "B" simply put the percentage of the corporate income tax at the level which the sponsors or the proponents of this legislation want it to be at.

Now with respect to the bill, if you adopt House Amendment "A" to House Amendment "B" and then pass to be engrossed this amendment to the Part II appropriations bill, you will be providing financially sound, responsible funding for the Part II budget and the necessary monies to fund the school subsidies. You will also be making it possible to fund a number of L. D.'s specific legislative documents which are now on the Senate appropriations table and those which will later come along and go to the same place.

Now I am well aware of course that members of the Democrat Party caucused this morning, and I have had some interesting comments coming back to me about that, and I would merely wish to suggest to you without prolonging this debate some considerations for the future of Maine and their people that I think are important.

First of all, we in the Legislature know that funding dilemmas are not new. Every session of the legislature finds itself in the position of having to try to get together to work out a program, to fund a responsible program for the State. In his message to us at the opening of this session, the Governor of the State of Maine proposed a

25% income tax surcharge on the federal tax liability in order to pay for the programs which he thought were necessary. I think it certainly is an understatement to say that overwhelming legislative reaction to this was to reject the proposal.

Now, we find ourselves with a Part II budget which has been cut by \$50 million from the recommendations that the Governor made. While this program isn't everything to all people it does represent a program that we can support and be proud of. I believe we should fund it. I believe that the people of the State of Maine have a right, and in fact do, demand that we establish sensible priorities for state government and that at the same time we consider the tremendous impact of taxation on the people of this state.

I think this package meets that test. I am well aware of the political opposition that has been generated to the 6 cent sales tax. I am also aware of the studies done by Professor Sly of some years ago. I am aware, as you are, of the overwhelming reaction of organized labor to the proposal for an income tax, and I am aware as you are that more than 20% of the sales tax during the summer months is paid by non-residents.

The corporate income tax section of this amendment represents the best effort of a number of experts both inside and outside of Maine state government. It is designed to allow corporations to pay a tax, not on the cost of doing business but on their profits. At public hearing on this legislation on the concept of a corporate income tax, corporate representatives indicate that they are willing to pay a tax on income, net taxable income, which only includes that income after permissible deductions including salaries, business expense and the like.

We would like to see this funding dilemma of this session answered on the merits, not on the basis of a political-natured reaction, in just saying—no, we're not going to do this, we're not going to carry it through. I would be less than candid if I pretended that every Republican in this House is

just jumping up and down with joy at the thought of voting for a corporate income tax, but this represents a reasonable compromise between conflicting views and I wholeheartedly support it. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly this morning I am going to speak on the opposition of the Democratic Party on that part of the amendment that proposes a 6% increase in the sales tax. The part of the corporate income tax I have no objections whatsoever and the actions of the Democrats in this House have taken no action against the corporate income tax, as we feel this part of the amendment is a feasible and logical answer to some of our problems.

I also feel this morning that the enactment or the show of hands for the support of this amendment should be the same show of hands by the Republicans as well as the Democrats who will also give the same show of hands at the final enactment of this measure, regarding the 6% sales tax. I have reiterated time and time again that the members of this House and of the other branch will never—and never means until the time that we go home—with a package that will be acceptable to both branches and also the Governor.

In reference to the Sly Report that was made by Mr. Richardson from Cumberland a few moments ago, advocating up to 8% in the Sly Report as a feasible sales tax, a short while after that I also remember a famous bank president from the banks of Boston coming to the same university that Dr. Sly had made his report advocating that the State of Maine should broaden its tax base and again advocating a personal and corporate income tax.

The merits of the document this morning that is before you should be one of increasing interest to the people of our state, of all segments of the population of our state. The 6% increase in the sales tax is absolutely and defi-

nately not a means of financing this package at this session of the Legislature. By a motion that was made by the gentleman from Lewiston, Mr. Jalbert, and carried, it was by a unanimous action of the caucus this morning that the Chairman of the caucus, or the Minority Floor Leader, so instruct the House of Representatives that we as Democrats voted unanimously against the 6% sales tax as ways and means of financing the supplemental budget.

Again, leaving the door open for a later date that we may be able to arrive at an agreeable settlement as to what the supplemental budget is going to be and also suggesting as a compromise package the ways and means of financing that package. But I would fail if I would not bring forth to the members of this House this morning by bringing forth a 6% sales tax to the people that are retired, that are on fixed incomes, social security, the low income brackets in our state, that would pay by far the biggest majority of this tax is not in the best interests of our State.

And so I hope this morning that when the vote is taken those of you that feel that you will not in the final analysis be able to vote for this at the final enactment stage will also see that you are not able to support it at this stage of engrossment. Thank you.

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

Mr. FAUCHER: Mr. Speaker and Members of the House: I must rise to speak out against this proposal to raise the sales tax to 6%. Under any circumstances this proposal would be bad enough. But coming just a few days after this House has rejected proposals to reform our welfare laws to help the poor, this proposal is even more shocking. The sales tax has nothing to do with ability to pay. It hurts the poor person, and we all know it. It hurts our older people living on small, fixed incomes, and we all know it.

A lot of people, including many of our poor and older citizens, don't realize this. The sales tax takes money from them in small

bites. But over the period of a year that sales tax mounts up, and takes money from them that they need for food and medicine and other essentials. We as legislators know this, and we as legislators have a responsibility to tell the people the truth and to protect our poor people and older people from an unfair tax.

This 6% sales tax would be an unfair tax. Those who propose the tax know it. They should be told loudly and clearly by the members of this House that we want no part of it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think I have said here before this honorable body before that I supported the General Services budget, which had some built-in increases, and that I would not support further taxes of this type or any other type because the proof has never been brought to me that we need extra taxes of any kind, and I think those of you who support extra taxes of any kind are not representing the majority of the people of your district—I don't care if it be this tax or some other one they dream up.

Let me tell you this, the people of this state are quite well educated today, more so than you think, and they realize that you cannot take their pocketbook and take their money and spend it better than they can. They are commencing to realize that all over the state, not only in my district, but in your district too.

Now I say that you vote for any tax and you are certainly voting for a minority of the people in your district. I don't care what the tax be. And you can make it look like you are robbing the rich and giving to the poor if you think you are, but this is not the case. Wherever you take the money the little man ends up paying. For instance, if you tax the doctor, all he does is add to his house call another dollar and so on down the line.

The corporation, they are going to come up with a profit because they have to add it in. In other

words, the man, the consumer on the end pays. And the point that I want to try to make this morning is that I was always led to believe that a democracy, to prosper, had to be run by the majority of the people in order for it to be a democracy and work.

Now in my district, if I voted for any further taxes other than Current Services — and they had some built-in added personnel in that; I stretched my imagination to go along with that some. But when you come up with some kind of a gimmick that you can make people think you are giving them something, they are wise that these gimmicks are not working. It looks to me like a good deal of the people in this House — their tendency seems to be to represent the minority in their district. If we try to run a government by minorities, I am sure in the long run it will not work.

I would like to see us go along for a couple of years and see if things won't straighten out a little bit and people won't continue looking for handouts that don't come easy. And I sometimes feel that there are an awful lot of people that never talk about trying to administer or trying to find — well, I think in industry they have people come and make surveys to try to find what's wrong and where the leaks are in the dollar system.

This don't seem to be the case here. The case here seems to be never in that vein. It seems to be in the vein of whose pocket can we pick. Now I have told you before in my district the people are surely satisfied that this is not the right approach.

I am not supporting this because the Democrats do. I am against this measure because the people that I represent by and large are, the majority of them, and I am sure that most packages you come up with that robs their pocketbook they would still object to it and I would probably be against them too. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: We seem to have arrived at a very interest-

ing point in our deliberations over funding our Part II Budget. We might just review for a moment where we have been and where we are.

We have passed a Current Services budget which will fund State Government for the next two years and we have funded it. And the Appropriations Committee has turned out a Part II or supplemental budget, which we are talking about here today along with a possible funding measure for that budget. Now several days ago the Democrat Party proposed to go considerably beyond the provisions of the Part II Budget with the so-called Part III Budget and proposed to pay for it with a personal income tax as proposed by the Governor in his Budget Message. If my recollection is correct there were approximately 34 votes in this House for that package.

Now we talk today about our Part II Budget and the funding of it once again. We talk about an increase in our sales tax to 6% and a 2% corporate income tax. Once again we find the Democrat Party opposed to this as a funding measure. Now 34 votes for a personal income tax, the vote of only several days ago, reflects a very small percentage of the total Democrat enrollment of this House.

A unanimous vote of their caucus to oppose a 6% tax and corporate tax means that this has been ruled out by the Democrat Party. I am wondering just what would be acceptable to members of the Democrat Party for a funding measure for the Part II budget, a budget which I feel represents prudent progress, new programs which have — at least to the members of the Appropriations Committee, have been found desirable, a very moderate increase I think in the progress of our State Government.

I hope that we will get some expressions as we go on in this debate from members of the Democrat Party as to just what they do feel to be acceptable revenue measures to fund this Part II budget.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As the one who made the motion in our caucus that we stand behind our leader, the gentleman from Madawaska, Mr. Levesque, and because I feel that the gentleman from Southwest Harbor, Mr. Benson has brought the issue squarely before us, and because three days after we convened I spoke from this very seat urging the leadership of both parties to start now in their deliberations wherein it concerns the package that we would eventually adopt by the fact that it was very doubtful in my mind that we could go beyond the 5% to 6% or we could go to a personal income tax, I think possibly I might be able to answer Mr. Benson's concern.

I think, as I was hoping way back early in January, we have now arrived at the suggestion that I made then. Now I think that frankly the leadership of both parties should be commended actually for their work this week. I don't think that there was too much relishing of the gentleman from Madawaska, Mr. Levesque, to address the caucus and not take a vote necessarily but urged them to go along with the package that he urged us to go along with earlier this week. I certainly feel possibly the same thing might pertain to the gentleman from Cumberland, Mr. Richardson, in addressing his caucus and describing to them what the situation was.

I might state that the issue that we are discussing now insofar as being Democrats is concerned refers itself merely to the sales tax. I might also say to the gentleman from Cumberland, Mr. Richardson, who claims that they might have heard some very interesting things wherein the caucus is concerned this morning, I might tell him that the motion was made by me, it was spoken on by several members of the House, and it was unanimously voted to go against that part of the package that involves the 6% sales tax. That is the long and the short of it.

Now we will cut this morning the issue—bring the issue squarely before the leadership of both parties, the leadership of both parties in both branches, and also to the Executive. I would suggest

that after the vote is taken, and by the very strong comments as made by the leader of the Democratic Party, the gentleman from Madawaska, Mr. Levesque, the thought of a 6% sales tax, in my opinion, at this session is as hopeless as the thought of a personal income tax on any percentage. So that I would suggest that the gentlemen concerned, the leadership, our leaders, now get themselves together, take the spending package, come up with a package that would pay the freight so that we can then hear what their judgment is. This is why they are leaders. Now comes the time for them to show the metal that I know they can display.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I am not going to prolong this session too long this morning but I can't help getting up here and making the statement to tell you that our people in our district cannot afford the sales tax, and this is the worst tax that we can have in our section. When it comes to the point that employees of the State of Maine in the liquor store goes to New Hampshire on account of the sales tax to buy their liquor, I think it's about time that we stopped increasing the sales tax.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: The discussion this morning in the House concerning L. D. 1542 has pertained mainly to the sales tax. I would like to discuss the portion of it which is in part 8 on page 2 of the bill which begins on the corporate income tax. If you have a copy of this bill before you and you look on page two, you will see in section 5101, sub-section 2, a definition of corporations. There you will also see that a corporation "includes a corporation having an election in effect under sub-chapter "S" of the Internal Revenue Code."

I view this as being a very important part of the income tax bill

proposed — the corporate income tax bill, proposed in this bill. I view it to be an undesirable one for this reason: The sub-chapter "S" corporation is a small business, it very often is a family business. It has a type of corporation which although a corporation for technical, legal purposes under state law is recognized by the Federal Government as being the equivalent of a sole proprietorship, and there is no federal income tax on a sub-chapter "S" corporation.

When we tax a large corporation it gets the benefit of deducting the state corporate income tax from its federal tax bill and in effect pays only about one half of the added tax. For example, if we tax a large corporation as proposed in this bill at 2%, in fact, the net cost of the corporation is only 1% of its net income.

However, when we are dealing with sub-chapter "S" corporations which are many of our small businesses, whatever we tax them costs them 100% because the Federal Government out of prudence and wisdom has recognized that the small corporation—a family clothing store, a garage, the small contractor—should be treated in a different way than the large corporate outfit which has ownership spread around the whole country.

I feel that these are two different types of corporations and I do not feel that it is justice to treat them in the same way. I feel that it would be a better proposal in regard to the corporate income tax to raise the level if necessary to produce the needed funds and to tax the large corporations at that higher level, but not to impose this income tax, this state corporate income tax, on the smaller corporations.

We have talked about reaction in our districts. Mr. Dudley has spoken about the reaction in his district as have other members. I think that most of you will find that if you inquire in the towns you represent that many of your constituents and many of the finest citizens in these towns are your small business men who are under the sub-chapter "S" form of corporation. To treat this small cor-

poration in the same way as you treat General Motors is unfair. It is in a way giving a break to the large corporation by discrimination against the small family business.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: We don't have to vote on a 6% sales tax. We in effect have it on small items. A 15c item such as a cup of coffee we pay a penny tax. Seven times fifteen is \$1.05. You add 7c tax to this and you pay \$1.12. On a 20c item you pay 2c tax. Five times twenty is a dollar. You pay 10c tax on that dollar. What in effect an increase in sales tax would do is to nickel and dime the people of this state to death.

A person with a large family, with many kids, making many trips to the store for candy, miscellaneous small items, are the ones that are going to be hardest hit with this tax. It is these people that are going to be nicked and dimed to death. It is for this reason that I would oppose the increase in the sales tax.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In order to clarify the position of the Democratic Minority in this House this morning and also to review for the benefit of the gentleman from Southwest Harbor, Mr. Benson, the action taken by the Democrats in caucus this morning, the gentleman seemed to imply that the Democrats have taken by action of caucuses votes against all proposals that were made before this House, including the one that was made a few days ago. The only action taken by the Democrats in caucus by a vote of that caucus was this morning against the 6% increase in the sales tax. There was no vote at any time taken by the Democratic caucus against a personal and corporate income tax.

I think probably if the sincerity of the members of this House prevails this morning—and this in-

cludes both political parties, of the sentiments expressed earlier during this session of the legislature, it has been and is presently, I feel, although for probably political motives to get this to the other branch the sentiments might be shown otherwise this morning, that the Republicans as well as Democrats have raised serious opposition continuously towards increasing the sales tax to 6%. So if the sentiment of that political party has been up to now, I think it is probably an assumption on our part that their change of mind or philosophy has not been changed that considerably that they should vote in support of this bill and thereby prolonging the bill to go to the other branch and coming back. I feel if the sentiment is the same, that we should vote against the pending motion of accepting to send this bill to be engrossed, and that we pursue the avenues of what is going to be feasible and logical in the very near future. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Lewiston. Mr. Couture.

Mr. COUTURE: Mr. Speaker and Members of the House: I am also to take a stand and vote against this sales tax increase. I am to vote against the sales tax increase for especially two reasons. First, our large family, as it was repeated by one of the previous speakers, is paying the burden of the sales tax, which they shouldn't. I remember the day, as a member of this House, that I had opposed the sales tax and made it clear that I don't feel that the people with large families should at least pay for their clothing for their children to go to school. I was defeated on this. There was an amendment to the sales tax and they forced these people with large families with no exemptions on clothing for children to go to school.

Second, another unfair way of this sales tax for those that cannot afford to pay, here is a big kidding that you are turning around and asking for higher appropriation for welfare in this state, to take care of our unfortunate peo-

ple on welfare. Now again on our old age pensions, Aid to the Blind, ADC, total disabled, that the day when the mailman comes at their door that they are waiting for their state pensions to have a few dollars to try to live in the next month until the next check, and including the help that they get from towns and cities besides this, that we are just kidding ourselves when the mailman comes to the door and hands you the checks with the right hand and the state comes in with the left hand and takes taxes away from the minor amount of money that they gave them to live.

I have been opposed to the sales tax and I have been a member of this House when the first sales tax was founded in the state here. I have opposed Republican Governors. I have opposed Democratic Governors, and I am opposed to this one again, that any increase on this sales tax, that I will vote down for the reason that it is one of the most unfair taxes that a state can live in. It is a protection for those that can afford to pay taxes to leave the burden on those than cannot pay. I am certainly going to vote against this bill.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Finally and briefly in support of House Amendment "A" to House Amendment "B", the gentleman from Brunswick raises some question about the corporate income tax application, sub-chapter "S" corporation, the so-called "Momma and Poppa" business. I would remind the gentleman that the federal tax exempts from corporate income tax application those corporations under sub-chapter "S" who elect to pay the tax instead on salaries, but this bill doesn't change that. It does impose a corporate income tax on the sub-chapter "S" corporation but does not affect their right to pay out in salaries to corporate officers, and in business expenses allowable deductions, these monies, so that the overall net liability of the sub-chapter "S" corporation in my judgment is not going to be significantly increased

by the amendment that is before the House today.

Secondly, I have always been amazed to hear the people in the House say that the sales tax is an "unfair tax" or "it's placed on those who can't afford to pay." Intelligent, professional analysis of Maine sales tax has indicated that it is in fact one of the least regressive sales taxes in the nation because we exempt such necessities as food, domestic fuel, and the like. Now when you are talking about sales taxes being unfair, the only area that is unfair in it is if it taxed necessities, those items that all of us regardless of our income status are required to purchase in order to survive. And by that measure, I think intelligent, professional analysis of our taxes indicated time and time again that it is not regressive.

Thirdly, and finally, implied in the comment of Mr. Levesque of Madawaska is some indication of lack of sincerity on the part of those of us who support this tax, that we are perhaps somewhat cynical because opposition to the sales tax has been stated right from the start. It was a part of a gubernatorial campaign only a couple of years ago. It is on this basis that we question and we recognize realities and know that we are going to have difficulty. But make no mistake about it, this tax, combining a sales tax and a tax on corporations who can afford to pay it, it is in our judgment the best answer to responsible financing of the Part II program.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to remind the Majority Leader this morning that two years ago it was through the efforts of the Sanford Merchants Association and the editor of the weekly newspaper over there that an increase in sales tax from four to five percent was effectively blocked. And to say that this is an inconsequential affair, I believe it would be well for all of us to remember that when we go back to our towns and speak

with our merchants and see how they feel about it.

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

Mr. HEWES: Mr. Speaker, I would pose a question to anyone in the House as just where in the amendment is this 5% to 2% inserted? I'm looking at page 10 of L. D. 1542, and there seem to be in my print two sections 5202, I don't have any 5204.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, 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, in the course of the preparation of the amendment, the State Tax Assessor, in communicating the amendment to the Director of Legislative Research, neglected to reduce the figure from 5 to 2%. That's the change that was made. Section 5202 appearing on page 10 of L. D. 1542, which is House Amendment "B" refers to a method of alternative tax computation.

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

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: I would just ask where in L. D. 1542 would we amend 1542 by House Amendment "A" to House Amendment "B"?

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

Mr. RICHARDSON: Mr. Speaker, section 5204 beginning on page 9 continues on page 10, and in the first major paragraph about half way down, the tax is rated as being 5% of the taxable income of the corporation or association for that taxable year under the laws of the United States. Now this should be reduced to 2% to make this portion of the amendment consistent with the percentage determination throughout the bill.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I have to take exception to the Majority Leader's statement this morning in some areas. I think that you will agree with me, and the facts can be substantiated, that there are over 27,000 people in the State of Maine who have an income less than \$600 a year. There are 17,000 people who have incomes of less than \$1,000, and 45,000 who have incomes less than \$2,000. There are 32,000 people who have incomes less than \$3,000. This makes a total of 121,000 people who have incomes less than \$3,000.

Are we going to try to penalize these people who have not sufficient income to help to clothe their families properly? They are neglecting their families in a lot of areas. Why should we put a sales tax burden on these little people? And I'm sincerely against a 6% sales tax.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentleman of the House: I request permission to speak a third time and I hope will be the final time that I will make any remarks regarding this document. I heard a few moments ago that the gentleman from Cumberland, Mr. Richardson, might have indicated that there might not have been any sincerity in our remarks here this morning. I assure you ladies and gentlemen that I am probably not the father of the word sincerity, and I would also refer to some of the remarks that were made by the same gentleman of two years ago. I certainly am not claiming to be the father of sincerity. By the same token, the gentleman from Cumberland, Mr. Richardson, could not also claim the father of sincerity when only a few years ago, when he came out in his good faith effort in supporting a program. I think probably that sincerity is within the conscience of each and every individual member of the House and not necessarily limited to the Floor Leaders. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Chick.

Mr. CHICK: Mr. Speaker and Members of the House: I don't intend to prolong the debate. I just rise to point out that I happen to be a member of a family corporation and in my opinion the way the bill is written would work no hardship on any family corporation.

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

Mr. FAUCHER: Mr. Speaker and Members of the House: I believe this morning we're talking about taxes, eventually we'll have to have more sales tax, more income tax, but I believe this year we are not going to go along with these two taxes. We should hit the people that have the money. We should hit these paper companies that have been getting away with murder in the State of Maine that have the money to pay for these. They own almost the whole State of Maine. Why don't we put a tax, a severance one on wildland? When they cut a tree, they pay for it. They are the ones that should pay the taxes. If they want to own the state let them pay. Thank you.

The SPEAKER: The Chair will order a vote. All in favor of the adoption of House Amendment "A" to House Amendment "B" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 77 having voted in the affirmative and 43 having voted in the negative, House Amendment "A" to House Amendment "B" was adopted.

Thereupon, House Amendment "B" as amended by House Amendment "A" thereto was adopted.

The SPEAKER: Is it now the pleasure of the House that this bill be passed to be engrossed as amended by House Amendment "B" as amended by House Amendment "A" thereto?

Thereupon, Mr. Brennan of Portland requested a roll call.

The SPEAKER: The yeas and nays have been requested on the engrossment of this bill. All in

favor of this bill being passed to be engrossed as amended—

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

Mr. JALBERT: Mr. Speaker and Members of the House: I arise to speak on this engrossment of this measure more in beseeching the membership of the friendly opposition to realize the futility of engrossing this measure, the futility of bringing this measure to the Governor's desk. I think all this will do is just create even more delay, and create a program process whereby we'll delay the adjournment of the Legislature.

I don't think it is a question necessarily of stubbornness. A vast group of members of the Democratic Party, joining with a vaster group of members of the Republican Party, have indicated their not wanting to go along with a personal income tax at this session. Enough of the members of the Democratic Party have indicated that they would not go with a 6% sales tax. Anyone would know that even if the bill was signed into law without an emergency, that this measure would wind up in a referendum.

I know that the argument will be used that those who would want services will have an opportunity to pay for it if the measure was placed for the people for the personal income tax or a sales tax.

I just would like to have the membership, and certainly anyone within the hearing of my voice within the majority party, understand that in no way is it my intention to be a king maker, or no way to say that I have been a prophet, no way of saying that I know more than anyone else. But I think every one in this Legislature knew fully well that when we went from 4½ to 5% that was it. Every members of the Legislature knew fully well, regardless of his feelings, that we could not pass and reach 101 for a personal income tax at this session.

It isn't that I said so from the very beginning of the session. It was because of my feeling that I wanted the leadership of both parties to get together. Now what is the use of delaying further? There are two areas that we are not go-

ing to buy — the area of 6% sales tax and the area of the personal income tax.

And while I'm on my feet I might state this, that I remember two years ago that I fought hard and long for one half cent on the sales tax. The excuse was, they didn't want to vote for it, the excuse was by some, this is Louie Jalbert's program, we're not going to go along with it. I don't have any program. I might have suggestions. I would like to ask the leadership of both parties to get together and give us their suggestions.

One thing I do know, the last time, two years ago, I came back in January after we had lost \$9 million by failing to take advantage of the summer tourists and also the Christmas money on the half cent more on the sales tax, and I accepted in January a hike from 4 to 4½%. I assure you of one thing now, whether it is now, next November, next January, next April, May or June, as far as I am concerned, I will not vote for an increase from 5 to 6% or a personal income tax nor even consider it until the 105th Legislature meets.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: We are this morning here in a good position to give the people of the State of Maine some reprieve on taxation. I feel that our people don't want this and for this reason I want to do them a favor and I move indefinite postponement of this bill and all its amendments.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves the indefinite postponement of Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971."

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

Mr. LEVESQUE: Mr. Speaker, May I ask for a one minute recess, please?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque

requests a short recess. We will reassemble at the sound of the gong.

After Recess

Called to order by the Speaker.

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

Mr. COTE: Mr. Speaker, I withdraw my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Cote withdraws his motion of indefinite postponement. The pending question is the engrossment of this bill. Is the House ready for the question? The yeas and nays have been requested. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

More than one fifth having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the engrossment of this Bill as amended. All in favor of the engrossment of this Bill as amended will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Chick, Clark, C. H.; Corson, Cummings, Curtis, Cushing, Donaghy, Durgin, Dyar, Erickson, Evans, Hall, Hanson, Harri- man, Haskell, Hawkens, Heselton, Hewes, Hichens, Huber, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, Mac-Phail, Marsteller, McNally, Meisner, Millett, Mills, Moreshead, Mosher, Noyes, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Rideout, Ross, Sahagian, Scott, C. F.; Shaw, Snow, Stillings, Susi, Thompson, Tyndale, White, Williams, Wood, the Speaker.

NAY — Bedard, Bernier, Bin- nette, Boudreau, Bourgoin, Bren- nan, Burnham, Carey, Carrier, Carter, Casey, Chandler, Coffey, Cote, Cottrell, Couture, Cox, Crom- mett, Croteau, Curran, Dam, Dri- gotas, Dudley, Emery, Farnham, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gil-

bert, Giroux, Hardy, Henley, Hunt- er, Jalbert, Jutras, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Mar- quis, Martin, McKinnon, Mc- Teague, Mitchell, Morgan, Nadeau, Ouellette, Page, Richardson, H. L.; Ricker, Rocheleau, Scott, G. W.; Sheltra, Starbird, Tanguay, Tem- ple, Trask, Vincent, Watson, Wax- man, Wheeler.

ABSENT — Berman, Bunker, Clark, H. G.; Crosby, D'Alfonso, Danton, Dennett, Eustis, Finmore, Foster, Good, Jameson, Johnstone, Norris, Santoro, Soulas, Wight.

Yes, 65; No, 69; Absent, 17.

The SPEAKER: Sixty-five hav- ing voted in the affirmative and sixty-nine in the negative, the Bill fails of engrossment.

The Chair recognizes the gentle- man from Cumberland, Mr. Rich- ardsen.

Mr. RICHARDSON: Mr. Speaker, I move that we reconsider our ac- tion whereby this bill failed to be passed to be engrossed.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, moves that the House reconsider its action whereby this bill failed passage to be engrossed.

Whereupon, on motion of Mr. Benson of Southwest Harbor, the reconsideration motion was tabled until Monday, May 26.

The Chair laid before the House the first item of Unfinished Busi- ness:

Bill "An Act Revising the Maine Mining Law" (H. P. 339) (L. D. 448) (In House, passed to be en- grossed) (In Senate, passed to be engrossed as amended by Senate Amendment "A" S-166)

Tabled—May 21, by Mr. Lund of Augusta.

Pending—Further consideration.

On motion of Mr. Lund of Au- gusta, the House voted to recede.

Senate Amendment "A" (S-166) was read by the Clerk and adopted in concurrence.

The same gentleman then of- fered House Amendment "A" and moved its adoption.

House Amendment "A" (H-367) was read by the Clerk.

The SPEAKER: The Chair recog- nizes the gentleman from Cari- bou, Mr. Snow.

Mr. SNOW: Mr. Speaker, I would like now to offer House Amendment "B" and move its adoption.

The SPEAKER: The pending question is the adoption of House Amendment "A". Is it the pleasure of the House to adopt House Amendment "A"?

The motion prevailed.

Thereupon, Mr. Snow of Caribou offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-369) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended by Senate Amendment "A", House Amendment "A" and House Amendment "B" in non-concurrence and sent up for concurrence.

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

HOUSE REPORT — Committee on Taxation on Bill "An Act to Relieve Elderly Persons from Increases in the Property Tax" (H. P. 48) (L. D. 49) reporting "Leave to Withdraw", as covered by other legislation.

Tabled—May 21, by Mr. Gauthier of Sanford.

Pending—Acceptance.

On motion of Mr. Harriman of Hollis, retabled pending acceptance of Report and specially assigned for Monday, May 26.

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

HOUSE REPORT — Committee on Taxation on Bill "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens" (H. P. 1017) (L. D. 1325) reporting Leave to Withdraw as covered by other legislation.

Tabled—May 21, by Miss Watson of Bath.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Watson:

Miss WATSON: Mr. Speaker and Ladies and Gentlemen of the House: I don't believe that the real question is whether or not we should pass a property tax relief bill at this session, but rather what kind of legislation should we enact because the time has come to take

the first step in this long neglected area.

I do believe, however, that the legislation we pass should meet several criteria:

1. It should provide that the State bear the cost of the exemptions or rebates because the municipalities are simply not able to do it. When local governments must grant tax concessions to the elderly, the local assessment and rate-setting processes are interfered with and the local tax base is eroded. Local governments simply do not have the financial capability to alleviate the hardship imposed on retired persons who must pay a disproportionate share of their income for property taxes.

2. Any such legislation should be aimed at those who most need it. Legislation which provides a flat rate for everyone regardless of need will in many cases help the rich at the expense of the poor. Also, a tax relief measure which places a ceiling on or freezes property taxes at age 65 only serves to perpetuate what may already be an exorbitant tax while at the same time a person's income may be cut in half upon retirement. This I understand will be the principle upon which a redraft of a property tax bill by the Taxation Committee will be based.

3. Likewise, relief should not automatically be granted at age 65 if the recipients are financially capable of paying property taxes. In short, any tax relief formula which does not use income as a factor would be unfair to those most in need.

4. Any legislation enacted by this legislature should provide some relief for those who rent because a portion of their rent is indeed going for payment of property taxes. If we say we are going to allocate a certain amount of money for property tax relief, we should not allow those who own property and have sufficient income to receive relief while many who rent and are under a severe hardship do not.

For these reasons I believe that the legislation which I have proposed L. D. 1325, is the best possible property tax relief formula which this Legislature could enact. Starting the second year of this

biennium the cost of this program to the State will be \$1.5 million—\$1.375 million for actual relief to individual property taxpayers and \$125,000 for administration. The Advisory Commission on Intergovernmental Relations, which recommended this legislation and of which Senator Muskie and Vice President Agnew were members, suggested that this be called the “extraordinary tax relief act.” As such, it is aimed at those whose income is less than \$3,000 per year and on whom the property tax places an undue hardship. The amount of reimbursement would depend upon the level of income and the amount of property tax paid. Perhaps this seems like a lot of money; but if we can afford to spend over \$40 million on school subsidies for our children, is it too much to ask that we do less than 1/13 as much for our senior citizens?

I now move that the bill be substituted for the report.

Thereupon, the Bill was substituted for the Leave to Withdraw Report.

The Bill was given its two several readings and assigned the next legislative day.

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

HOUSE REPORT—“Ought not to pass”—Committee on Judiciary on Bill “An Act to Provide for the Interception of Wire and Oral Communications” (H. P. 769) (L. D. 1002)

Tabled—May 21, by Mr. Hewes of Cape Elizabeth.

Pending—Acceptance.

Thereupon, on motion of Mr. Hewes of Cape Elizabeth, the Report and Bill were recommitted to the Committee on Judiciary and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

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

HOUSE REPORT—“Ought not to pass”—Committee on Judiciary on Bill “An Act relating to Redemption by Owner and Sales of Tax

Acquired Property” (H. P. 816) (L. D. 1055)

Tabled—May 21, by Mr. Dyar of Strong.

Pending—Acceptance.

On motion of Mr. Binnette of Old Town, retabled pending acceptance of Report and specially assigned for Monday, May 26.

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

HOUSE REPORT—“Ought not to pass”—Committee on Retirements and Pensions on Resolve relating to Retirement Allowance for Hal G. Hoyt of Augusta (H. P. 868) (L. D. 1110)

Tabled—May 21, by Mr. Meisner of Dover-Foxcroft.

Pending—Acceptance.

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

Mr. MEISNER: Mr. Speaker and Ladies and Gentlemen of the House: An amendment is being prepared for this bill and I would hope that somebody would take it for the next legislative day.

Whereupon, on motion of Mr. Pratt of Parsonsfield, retabled pending acceptance of Report and specially assigned for Monday, May 26.

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

HOUSE REPORT—“Ought not to pass”—Committee on Taxation on Bill “An Act relating to Refund for Malt Liquor Excise Taxes” (H. P. 785) (L. D. 1018)

Tabled—May 21, by Mr. Cote of Lewiston.

Pending—Acceptance.

Thereupon, the “Ought not to pass” Report was accepted and sent up for concurrence.

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

HOUSE REPORT—“Ought not to pass”—Committee on Taxation on Bill “An Act relating to Excise Tax on Motor Vehicles” (H. P. 841) (L. D. 1079)

Tabled—May 21, by Mr. Lewin of Augusta.

Pending—Acceptance.

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

Mr. LEWIN: Mr. Speaker, some material is being prepared which is pertinent to item eight and I would appreciate it if someone would table this item for one legislative day.

Whereupon, on motion of Mr. Susi of Pittsfield, tabled pending acceptance of the Report and specially assigned for Monday, May 26.

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

HOUSE REPORT—Committee on Health and Institutional Services on Bill "An Act Closing the Military and Naval Children's Home and Disposing of the Property" (H. P. 757) (L. D. 977) reporting "Ought to pass" in new draft (H. P. 1203) (L. D. 1530) under title of "An Act relating to the Military and Naval Children's Home."

Tabled—May 21, by Mr. Bragdon of Perham.

Pending—Acceptance.

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

Mr. BRAGDON: Mr. Speaker, and Members of the House: I move that we substitute the original bill, House Paper 757, L. D. 977, Bill "An Act Closing the Military and Naval Children's Home and Disposing of the Property," for the Report of the Committee, which is "Ought to pass" in new draft. I would like to speak to my motion.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the House substitute the original Bill for the Committee Report. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BRAGDON: Mr. Speaker and Members of the House: The original bill as you will recall had the unanimous support of the Committee on Appropriations and Financial Affairs and still has their support. On March 14 you accepted the Report of the Appropriations

Committee on a roll call vote to indefinitely postpone this bill. The vote to indefinitely postpone failed 33 to 97. This was a fairly decisive vote in favor of the report of the Appropriations Committee on that date.

I think you voted right at that time and I hope you have not been lobbied to the extent that you've changed your minds on that action. I argued at that time that this institutional type of care for our unfortunate children which are mainly being cared for in foster homes was inferior to the homelike atmosphere of the foster home. Since that time the Appropriations Committee has attempted to provide in the Part II budget money to upgrade these foster homes. Now to take care of the same number of children in an institution like this costs anywhere from 2½ to 4 times as much as the cost per child in this upgraded status of our foster home which is provided for in the Part II budget.

Now you are having plenty of trouble to find money enough to upgrade our budget and take care of these better than we are doing here. You are getting into a very costly method if you shift from our present foster home program to a type like this.

Let's now take a look at the report of the Committee on Health and Institutional Services, L. D. 1530, to better understand what we are letting ourselves in for if we accept this report. The bill is not very long and I may with your indulgence, I think perhaps I would like to read parts of it.

This new bill sets up a Board of Directors for the State Military and Naval Children's Home. It says: "A Board of Directors of the State Military and Naval Children's Home shall be appointed by the Governor, with the advice and consent of the Council, and shall consist of 6 members qualified by their interest" and so forth, it's not necessary to read it all, I just wanted to give you the idea of what we're doing. It also involves the Commissioner of Health and Welfare in this program. Now we are setting the Commissioner of Health and Welfare in this bill up in a program that he does not

approve of. He has always opposed the idea of taking care of these children in an institutional type home of this sort.

It goes on to say the board members shall serve without pay and so forth. What I am saying that you are doing here, and to go on down through, it gives the amount of money that it is going to require to continue this home in its present status with only I believe \$2,000 or something like that mentioned in the way of repairs. And as I say these children that would be taken care of in this home will cost anywhere from 2½ to 4 times the cost in the foster home program which I claim are better.

I say that you are doing this, that this bill is much worse than just saying whether or not we are going to provide the money to keep the home open. Under this bill you establish a new system, namely, the institutional type system of taking care of these children. You are embarking on an entirely new concept in the care of these children, namely, this institutional type care versus our present type foster home system. If you buy this concept and keep this home open, as sure as the night follows the day either in the next session or the following one you will be convinced that this building is not safe or practical to keep as many children as this in one building. You will further be convinced that it is not feasible to make major repairs on a building of this type.

Now the only other alternative when you buy that thinking is a brand new building. You'll be buying a brand new building and a brand new concept of taking care of these children, which I say is not as good as our foster home program and I don't think these children brought up in an institution—they miss many of the good things that they would have available to them in a homelike atmosphere.

I hope that you will give this matter very serious consideration. I think you are going to make a very great mistake if you embark upon this new type of care for these children.

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

Mr. ROSS: Mr. Speaker and Members of the House: I vigorously oppose the motion of the gentleman from Perham, Mr. Bragdon.

The SPEAKER: The Chair would advise the gentleman that the House has accepted the substitution of the old bill for the Committee Report.

Mr. ROSS: Mr. Speaker, I would move that we reconsider this action.

The SPEAKER: The gentleman from Bath, Mr. Ross moves that the House reconsider its action whereby it substituted the prior bill, House Paper 757, L. D. 977.

The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: I would oppose the motion to reconsider. Actually I think we are talking about the original bill. The report of the Committee on Health and Institutional Services leaves me just a little bit cold. To set up a separate board to operate this Home, I think this is establishing a precedent that we might very well do without and I think that our deliberations today should be on the original bill, the bill that was heard before Appropriations and reported by Appropriations and let it sink or swim on the original bill. I hope that we don't reconsider and go back to the Report of Health and Institutional Services and I request a division on the motion.

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

Mr. ROSS: Mr. Speaker and Members of the House: Now in support of the reconsideration motion and since none of these children come from Bath and since there are only a few local employees and since the area purchases from the Home are very small, and since we in the City of

Bath gladly educate these children without a cost to the State, many persons wonder why the area Legislators are so intent on keeping the Home open.

I think this is best summed up in a little Ode of Welcome which was delivered to the Home on New Year's Eve in 1873 and I would like to read three short stanzas, certainly not to arouse your sympathy but only to express our feelings.

“ 'Tis New Year's Eve and eyes
grow bright,
And merry faces come to light;
Glad, happy hearts, you need not
room,
No cloud shall pass across your
Home.
What nobler sight to thrill the
heart,
The loved and loving need not
part;
Here safe at home no one need
grieve,
For Pleasure guards the New
Year's Eve.
They are our own, our country's
pride;
Columbia keeps them by her side.
Beneath her care, their feet may
room
And Love still guards our Orphan's
Home.”

Now this was debated at length some time ago and I will not go into detail again, but I would like to mention only two or three items. At that time the chief opposition was based on the unsafe aspects of the building itself and this was backed up with an insurance report. Now many of these items listed thereon were very minor and I mentioned at that time that even if these were warranted in my opinion this Home was safer than 99% of foster homes. However, even so, and I mentioned to this House day before yesterday every single item is being corrected with the one exception of the sprinkler system and this is being done with volunteers of the Navy personnel at no cost to either the State or the Federal government.

Now the second reason which was given was why should we show preference to 35 or 40 children out of the 2,000 that we have in the State, and I admitted then

and I admit now that probably the majority of these children do need foster homes. However, there is a small sector of children who need group living for proper adjustment to life. This is the only place in the State that they can take entire families. It is also the only place under our jurisdiction that we can take children immediately.

The opponents stated that it was very easy to close the Home and we could place these children in foster homes. Now even aside from the humanitarian aspect of action like this, breaking up families and so forth, it is not as easy as this. The Department of Health and Welfare has been designated by the courts as legal guardian for foster home children. 24 of the children in our Home are not eligible. I guess the only place for them would be in one of our institutions.

Now since the first House debate a great many things have transpired. The bill was recommitted to another committee and once again this offered an excellent chance for another group of our legislators to visit this excellent Home and I understand that they were very favorably impressed. We had another hearing at which time I suggested a different approach, that we change the sponsorship to the Department of Health and Welfare and that also we set up a liaison committee to work with the Department.

The new redraft L. D. 1530, which Mr. Bragdon from Perham opposed and we substituted the original bill, suggested doing these things. It had the unanimous approval of the Committee of Health and Institutional Services. The original estimated price for renovations and repairs when we first talked about the bill was \$160,000. The redraft suggested \$37,500, but because of the work which is being done now even this can be substantially reduced. And I surely hope that we do reconsider and accept the Committee redrafted bill and pass it on to the Appropriations table where members of that august committee in the other body would then reduce the amount

again substantially. Thank you very much.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Watson.

Miss WATSON: Mr. Speaker and Ladies and Gentlemen of the House: I will be very brief this morning. You have all heard us who favor keeping the Children's Home open, explain why we feel there is a definite need for this type of institution. I hope that when you vote to reconsider you will take into consideration the work being done to bring the Home up to acceptable fire safety standards and also that the Home will be placed under the Department of Health and Welfare which hopefully will result in better utilization of this facility.

I would therefore hope that you will give the Children's Home one last chance to prove its value in caring for children who have nowhere else to go, and I would trust that as a result of the improvements being made in the administration and in the structure itself that we will not be faced with this question again in the next Legislature.

I therefore support the motion of the gentleman from Bath, Mr. Ross.

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

Mr. LUND: Mr. Speaker and Members of the House: I too join in Representative Watson's hope that we will not be faced with this same question in another legislature, because I hope that we will have resolved this question once and for all.

There is a great deal of emotional appeal involved in problems of this sort and it is a difficult one to debate. I would suggest to you that the supporters of the Bath Home have faced a difficult problem. They have a home which none of the departments of the state wish to be involved in.

The Health and Welfare Department, which is suggested as the place to which this Institution might be transferred, pretty clearly doesn't want it. And as a matter of fact, it would be the only institution that would be operated

by the Department of Health and Welfare because they now simply operate programs, they do not operate any housing. So the sponsors are faced with this problem. A rather ingenious effort to solve it instead of putting it directly under the Department of Health and Welfare, the new draft, which of course will be the effort in the event that the reconsideration motion passes, does create a board of six members to direct the State Military and Naval Home. And I just can't help but say I think this is a most unfortunate departure from the efforts that we have made in this State toward establishing lines of responsibility and directions of responsibility because if this unfortunate bill were passed, the redraft, it would mean that the Commissioner of Health and Welfare would only have one vote on this board that would be running the operation.

I would suggest to you that no real reason has been given to this House by the supporters of this new draft why the Legislature should change its mind about its previous action. It was pointed out in the debate here that twenty-four of the youngsters in this home are not eligible for Foster Home Program. To my mind that raises the question of whether those twenty-four children should have to be with their parents rather than in a home at all.

I would point out to the House that the Part II budget provides for an increase in child welfare payments in the amount of \$760,000. In addition to that, we have a legislative document, sponsored by the Representative from Portland, Mrs. Boudreau, which would provide for additional board payments for problem children. I would suggest to this House that this is the sensible and logical way to approach this difficult problem of how to handle youngsters who do fit into the usual pattern.

When all is said and done, I find myself coming back to the letter which was read in this House by one of the members of the House from a Minister who was from Bath who said that if it happened that he and his wife were to pass on, he would rather prefer not to

have his children boarded in any state institution but would prefer to have them placed in a private foster home. As a father of six youngsters myself I can only echo his sentiments and suggest that we ought to direct our attention to better state programs and to be done with this problem.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: It has been stated that no good reason has been given to keep this Home open. Well the thing is, we haven't been given a chance. The first few speakers, right off hand, have their mind made up, and they want to get rid of this place.

Well I wish to quote a few things or to broaden out on some of the things that were said here and also the reason why I'm probably a little disturbed at the fact that the Health and Institutional Services Committee were asked to consider this bill and we did. And we spent much time as individuals and as a group only to come here at the offset to have ice put on the proposal.

I wish, first of all, to explain the reason or the thought behind the Board of Directors as stated in the bill. This, I will agree, is a new approach to the running of such an institution. But I think that others feel like I did that many of the programs that we have in this State, as soon as the Legislature departs, then whoever is in charge of it runs it the way they want to. Now this is probably why we get involved in such a situation as we have now at the Bath Home. We feel that a Board of Directors, appointed by the Governor with the Council's approval, could be of six interested people, interested in the survival and in the needs of the children that are placed in this Home, to direct and to administer programs and new ideas and to see to it that they are carried out in order to obtain the most efficiency out of the program. They will serve without pay and they will meet quarterly or as often as it is necessary.

Health and Welfare was opposed to what was said. Dean Fisher is agreeable to be in charge of this place and before, where he himself was one of them against it and his actions showed that, that they didn't send any children up there, now he has agreed to take charge of it and to at least try to keep a maximum of 40 children up there.

There are plenty of children around and if we take the position that we should send them to foster homes, I would like to ask one question, "Why is it that every day, or mostly every day, on the radio you hear them begging for people to put their names in for foster homes to take children in?"

We do have many children in the foster homes and I happen to have a list of foster homes here in the state, and I think that some of them are very questionable even though they might do the very best they can.

On the appropriation of this bill, which states that personal services, this would include wages for the superintendent, one clerk, two service workers, one cook, one laundry worker, one seamstress, one custodian, and five house parents. Now there doesn't seem to be any unneeded or unnecessary expense on that part. As far as the capital expenditures of \$37,500 this is something which was agreed on at the last debate here in the House, that it needed a sprinkling system, it needed new entrance doors put it and exit signs. A lot of this stuff is small stuff. The biggest expense is the sprinkler system.

Now I'm sure that a few legislatures ago, when it was decided to put in the Bell System in there, if they would have decided to put in a sprinkler alarm system which at that time would have cost \$12,000, but they chose to spend \$8,000 on the Bell System which proves some efficiency today, but it apparently doesn't satisfy the Insurance Department, that would have been a wise move at that time to go an extra \$4,000 to put it.

Now the residence needs are mostly improvements, expenditures and stuff like that. Since the last time the bill was debated on this

Floor, there have been a lot of people that offered their services. There has been clubs that have offered their services in order to renovate this place. I think that this here, we are putting economics ahead of human life and I think that a lot of these things that were said actually does not deserve it.

The Committee has spent a lot of time in getting different reports and everything, and it has now come that the Insurance Department is willing to go along with the proposed program which would be spread out over a few years as we go along.

Now I had distributed on your desks this morning a thing about the attendance at the Bath Home. The reason that I had this distributed to you is due to the fact that at the last debate some very impressive statement was made that at one time there was 7 or 8 kids in this place. Well this is probably so, but this one here dates back to September 1967, and you will see that the lowest number is 25. Now prior to 1967 that was with another administrator and that result maybe would have been 7 or 8. But dating back to 1967, which roughly is twenty months ago, I think the report shows a good indication there is a need for this home.

After the Committee visited the home, and of course when we left there without any pressure whatsoever we kind of felt some compassion for the kids. So for a few hours the staff devoted their time and we talked with them and we talked with the children and most of them there were happy. And I can assume that the kids there were happy because they felt that they were wanted there. They were wanted by the ones that maintain this home right now.

There has been no outward opposition as to the effectiveness of the present administrator, so this we will leave aside. I personally believe that the Bath Home should be kept open and we have tried in this redraft to give you a sound budget which probably is higher now due to the fact that it has been neglected for a while, but we feel that the Board can do a

tremendous job and be able to cut down the cost quite a lot by the time we come back in this Legislature. The Board of Directors would be comprised of very dedicated people and very knowledgeable people and I think that they are very willing to dedicate their time and efforts to bring this place up to date.

So all I wish to say is, we must not forget the children that are up there that are victims of circumstances. If twenty-four of them that are not in legal custody, that is more reason why we should be concerned because they have no legal custodian and they have nobody to go to, either the father or mother or both of them have left them. And I sincerely hope that you will give it your consideration and vote for reconsideration.

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

Mr. FRASER: Mr. Speaker and Members of the House: As a member of that Committee I feel that I should say a few words. Mr. Carrier has done very well as spokesman for the Committee and there's no need for me touching on the things that he has said. When they went there as a Committee I could not go with them, but I did go the following week and spent three hours there one afternoon. At that time there were 36 children. I was very much impressed with the relationship between those children and the superintendent or whatever his title is. The children seemed to love him and I'm sure he had a lot affectionate attention for those children.

At our hearing there was something said about foster homes, and I told Dr. Schumacher that I had personal experience with many of these foster homes and that I'd feel terrible if I thought one of my own had to go in one. The reason these people have these children in their homes is because they need an added income, it's not for any extra love for the children. They do have some affection for them, but they're more interested in the money. When you give a family \$55 a month to take care of a child all month, they have to

cut down somewhere if they do want to make an extra ten bucks.

Now the care that they get at the home in Bath includes dental and medical and clothing. This money that these people receive in foster homes does not include these things. So that makes some difference in the cost.

I don't believe we should look at everything through the dollar sign. Where else are we going to go in the State of Maine where in case of an accident or disaster of some kind and four or five children find themselves homeless. In this place they can be taken in without any red tape. There is no other place in the State.

I certainly hope that this place will be kept open.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker and Members of the House: Being one who voted for the original bill the first time around in the mistaken belief that the building which houses these children was in an advanced state of decay, it is a pleasure to be able to reverse my vote and support the motion of Mr. Ross.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I will speak quickly here. I have seen this home over the last 20 years. Its location is on a quiet street. There are lawns there. There are trees there. I know that the people of this town support this institution. I feel that the children down there will get very good care compared to these foster homes. I support this motion one hundred percent.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I find myself in a somewhat difficult position this morning — or this afternoon — in opposing a unanimous Committee Report, and I would like to state my reasons.

As you all know I am a member of the Appropriations Committee which reported out the original

bill. I voted on that bill. My reasons today are very—many of the same reasons as they were then. I would like you to take a look at L. D. 1530 and to take a look at what we would be doing if we were to reconsider our vote today. We set up a board of six people who are to be appointed by the Governor with the confirmation of the Council and they shall appoint the superintendent. I think we have had enough problems in this state when the department head will be unable to control the situation at hand. This is another example of what we are getting ourselves into.

The Department of Health and Welfare through its chairman, whoever he happens to be at the time, the department head, will be a member but he will be unable to pick the superintendent. It does not say that the department head or the board, this new board of six people, will have any policy of choosing the superintendent, and if we follow this line of reasoning we can do it with every other institution in the state, be it Augusta State Hospital, Bangor State, any of the institutions that this state operates.

Now let me point to a few comments made by the gentleman from Bath, Mr. Ross. He indicated there were 13 employees and that they did not necessarily come from Bath. If they don't come from the Bath area, they certainly don't come from Aroostook County.

"In 1873," he quoted a memo or a small section which appeared when the people came back to visit the home. I would suggest that what he read to you was appropriate in 1873, but is totally inappropriate in 1969.

He indicated that 99% of the foster homes in this state are unsafe. If you check with the department, if you will check also with the subcommittee of the Legislative Research Committee that did this study a few years ago, you will find that they found one or two homes unsafe. Might I also point out that effective the first day of July of this year is that any home that has any more than six children, four or six, I am not sure which, will be required to

have a sprinkler system. Now if this isn't unsafe, I don't know what is. The Appropriations Committee when it looked at the Bath Home felt that it was giving much too much money to a very few number of children. At the present time we are paying \$55 for a foster child in the State of Maine, and in cases where a child is mentally or physically deformed this can be as high as \$100.

Now we have raised that in the the Part II Budget some \$10 per child but it still is not enough. However, when you compare to the monies being spent per child on the students in Bath, there is discrimination, discrimination against the 2600 other pupils or children in this state. If we are going to have a home in Bath, then we should also have a Bath Home in every other city in this state so that every child in the state will receive the same type of care and the same amount of expenditure per child as is spent there. And it amazes me to no end, when there is a possibility and a logical way that money can be saved to this state that we go the other way in spending more money to do an unwise job, in an unwise program, in an unwise building, and I think it is time that we reconsider our action there and that we do not reconsider this bill.

It was indicated to us that Dr. Dean Fisher agrees with this. I spoke with Dr. Fisher and he indicated to me that he did not agree with this new L. D. I would certainly hope that we would remain with the original report from the Committee on Appropriations and that we would not reconsider our action here this morning.

The SPEAKER: Is the House ready for the question? All in favor of reconsidering our action whereby the original bill was substituted for the Committee on Health and Institutional Services' Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

50 having voted in the affirmative and 67 in the negative, the motion did not prevail.

The Bill was read twice and assigned the next legislative day.

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

MAJORITY REPORT (8)—Committee on Education on Bill "An Act Requiring all Municipalities to Become Members in a School Administrative District" (H. P. 510) (L. D. 681) reporting "Ought to pass" in new draft (H. P. 1208) (L. D. 1535) under title of "An Act Requiring the State Board of Education to Develop a Master Plan for School District Organization to be Submitted to Local Referendum" and MINORITY REPORT (2) reporting "Ought not to pass"

Tabled—May 21, by Mr. Richardson of Stonington

Pending — Acceptance of either Report.

On motion of Mrs. Cummings of Newport, retabled pending acceptance of either Report and specially assigned for Monday, May 26.

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

Bill "An Act Transferring Arson Investigation Authority from Insurance Department to the Department of the Attorney General" (H. P. 1190) (L. D. 1509)

Tabled—May 21, by Mr. Marstaller of Freeport.

Pending—Passage to be engrossed.

On motion of Mr. MacPhail of Owls Head, retabled pending passage to be engrossed and specially assigned for Monday, May 26.

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

MAJORITY REPORT (7) — "Ought not to pass"—Committee on Business Legislation on Bill "An Act Providing for the Outlawing of Contests and Games by Establishments Selling Motor Vehicle Fuel" (H. P. 474) (L. D. 628) MINORITY REPORT reporting in "Ought to pass" in new draft (H. P. 1207) (L. D. 1534) under title of "An Act Prohibiting the Conducting of Contests and Games by Retail Sellers"

Tabled—May 21, by Mr. Richardson of Cumberland.

Pending—Motion of Mr. Scott of Presque Isle to reconsider acceptance of Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker and Members of the House: Not too long ago the price of gasoline was increased by 3 cents a gallon. We have another bill, I believe, before us to increase it another 2 cents.

These contests, or so-called games, either cost the dealer some of his profit or someone else is making money on it. I would hope that the motion to reconsider this at this time might prevail so that I can further speak on the motion.

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

Mr. SCOTT: I would request a division on the reconsideration motion.

The SPEAKER: A vote has been requested on the reconsideration motion. All in favor of reconsidering our action whereby we accepted the "Ought not to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, 74 having voted in the affirmative and 34 having voted in the negative, the motion did prevail.

The SPEAKER: The pending question now is the acceptance of the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Owls Head, Mr. McPhail.

Mr. McPHAIL: Mr. Speaker and Members of the House: I would hope that we would not accept this report in order that I may move to accept the "Ought to pass" Report.

The SPEAKER: Is the House ready for the question? The Chair will order a vote. All in favor of accepting the Majority "Ought not to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, 30 having voted in the affirmative and 83 having voted in the

negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the New Draft read twice, and assigned for the next legislative day.

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

An Act Amending the Municipal, Industrial and Recreational Obligations Act (H. P. 599) (L. D. 780)

Tabled — May 21, by Mr. Benson of Southwest Harbor.

Pending — Passage to be enacted.

On motion of Mr. Benson of Southwest Harbor, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed on May 15.

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

House Amendment "A" (H-374) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

HOUSE REPORT — "Ought not to pass" — Committee on Judiciary on Bill "An Act to Give the Attorney General Authority to Require Certain Telephone Records" (H. P. 386) (L. D. 496)

Tabled — May 22, by Mrs. Payson of Falmouth.

Pending — Acceptance.

On motion of Mrs. Payson of Falmouth, retabled pending acceptance of the Report and specially assigned for Monday, May 26.

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

HOUSE REPORT — "Ought not to pass" — Committee on Legal Affairs on Bill "An Act relating to Bids for Contractual Services under the Auburn City Charter" (H. P. 963) (L. D. 1243)

Tabled — May 22, by Mr. Emery of Auburn.

Pending — Acceptance.

On motion of Mr. Mills of Eastport, retabled pending acceptance of the Report and specially assigned for Monday, May 26.

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

HOUSE REPORT — Committee on Business Legislation on Bill "An Act relating to Nonprofit Hospital or Medical Service Organizations" (H. P. 808) (L. D. 1047) reported that it be referred to the next legislature.

Tabled — May 22, by Mr. Benson of Southwest Harbor.

Pending — Acceptance.

On motion of Mr. Levesque of Madawaska, retabled pending acceptance of the Report and specially assigned for Monday, May 26.

On motion of Mr. Richardson of Cumberland,

Adjourned until Monday, May 26, at four o'clock in the afternoon.