

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

Wednesday, June 4, 1969

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

Prayer by the Rev. Mr. Roger Smith of Augusta.

The journal of yesterday was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to Annual Review of all Applications for Liquor Licenses" (H. P. 827) (L. D. 1066)

reporting that they are unable to agree.

(Signed) HUBER of Rockland
DONAGHY of Lubec

—Committee on part of House.
BERRY of Cumberland
CONLEY of

Cumberland
BOISVERT of
Androscoggin

—Committee on part of Senate.
Report was read and accepted and sent up for concurrence.

**Papers from the Senate
Reports of Committees****Leave to Withdraw
Covered by Other Legislation**

Report of the Committee on State Government on Bill "An Act Creating a Human Rights Act for Maine" (S. P. 367) (L. D. 1280) reporting Leave to Withdraw, as covered by other legislation.

Report of the Committee on Towns and Counties reporting same on Bill "An Act Increasing Salary of Clerk of Courts and Deputy Clerk of Courts of Penobscot County" (S. P. 48) (L. D. 151)

Report of same Committee reporting same on Bill "An Act relating to Deputy Clerk of Courts of Hancock County" (S. P. 73) (L. D. 196)

Report of same Committee reporting same on Bill "An Act Increasing Salary of Sheriff of Oxford County" (S. P. 153) (L. D. 436)

Report of same Committee reporting same on Bill "An Act In-

creasing Salary of Judge of Probate of Washington County" (S. P. 251) (L. D. 795)

Report of same Committee reporting same on Bill "An Act Increasing Salary of Messenger of Cumberland County Superior Court" (S. P. 255) (L. D. 794)

Report of same Committee reporting same on Bill "An Act Increasing Salaries of County Officials of Waldo County" (S. P. 354) (L. D. 1220)

Report of same Committee reporting same on Bill "An Act relating to Salaries of Certain County Officials of Franklin County" (S. P. 394) (L. D. 1318)

Came from the Senate read and accepted.

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

Ought Not to Pass**Bill Substituted for Report**

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to Small Loan Company Licensees" (S. P. 396) (L. D. 1352)

Came from the Senate read and accepted.

In the House, the Report was read.

On motion of Mr. Kelleher of Bangor, the Bill was substituted for the Report in non-concurrence.

The Bill was given its two several readings and tomorrow assigned.

Covered by Other Legislation

Report of the Committee on Education on Bill "An Act relating to the Distribution of School Subsidy" (S. P. 161) (L. D. 535) reporting "Ought not to pass", as covered by other legislation.

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Retirements and Pensions on Bill "An Act Altering Formula for Retirement under State Retirement System" (S. P. 337) (L. D. 1135) reporting same in a new draft (S. P. 480) (L. D. 1558) under same title and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

**Ought to Pass with
Committee Amendment
Amended in Senate**

Report of the Committee on Natural Resources on Bill "An Act relating to the Water and Air Environmental Improvement Commission" (S. P. 322) (L. D. 1084) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-177) was read and adopted in concurrence. Senate Amendment "A" (S-211) was read and adopted in concurrence. The Bill was assigned for third reading tomorrow.

Final Report

Final Report of the following Joint Standing Committee:

Retirements and Pensions

Came from the Senate read and accepted.

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

**Non-Concurrent Matter
Tabled and Assigned**

Report of the Committee on Judiciary on Bill "An Act Concerning the Adoption of State Wards" (H. P. 760) (L. D. 980) reporting "Ought to pass" as amended by Committee Amendment "A" which Report and Bill were indefinitely postponed in the House on May 28.

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

In the House:

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

Mrs. LINCOLN: Mr. Speaker, I move that we adhere.

The SPEAKER: The gentlewoman from Bethel, Mrs. Lincoln moves that we adhere to our former action.

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

Mr. BERMAN: Mr. Speaker, if it's in order I would like to move to recede and concur.

The SPEAKER: The gentleman from Houlton, Mr. Berman moves that the House recede from its former action and concur with the Senate.

The Chair recognizes the same gentleman.

Mr. BERMAN: Mr. Speaker, Members of the House: If we recede and concur with the Senate we will be keeping faith with the basic jurisprudence in Maine, which allows a right of appeal. If you went along to adhere we would be denying the right of appeal and we would be going against a basic cornerstone of our jurisprudence.

Now this is a matter in which our good friend and colleague, the gentleman from Portland, Mr. Cottrell is very definitely interested. I notice that he is out of the chamber at this time, and I would hope under the circumstances we would give him the courtesy which he deserves so far as this measure is concerned.

Whereupon, on motion of Mr. Corson of Madison, tabled pending the motion of the gentleman from Houlton, Mr. Berman to recede and concur and specially assigned for tomorrow.

Non-Concurrent Matter

Bill "An Act relating to Bids for Contractual Services under the Auburn City Charter" (H. P. 963) (L. D. 1243) which was passed to be engrossed in the House on May 29.

Came from the Senate with the "Ought not to pass" Report of the Committee on Legal Affairs accepted in non-concurrence.

In the House:

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

Mr. EMERY: Mr. Speaker, I move that we insist.

The SPEAKER: The gentleman from Auburn, Mr. Emery moves that the House insist on its former action.

Whereupon, Mrs. Baker of Orrington moved that the House recede and concur.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker moves that the House recede and concur.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I will not belabor the issue, but I will state that this is only a local bill. It does not entail the expenditure of money and only gives financial responsibility to our elected councilmen, thereby placing the people in control of the expenditure of their tax dollars. I move that we insist and I will ask for a division on the matter.

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

Mrs. BAKER: Mr. Speaker and Members of the House: At the hearing on this bill, L. D. 1243, there was one proponent, the sponsor of the bill. There were many opponents including the mayor and other councilmen from Auburn. This is a matter that could be taken care of in the City of Auburn, by ordinance if they desire. I do not think it is anything that the Legislature should take action upon, and there was opposition from the Auburn government.

The SPEAKER: Is the House ready for the question? A vote has been requested on the motion to recede and concur. All in favor of receding and concurring will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 69 having voted in the affirmative and 36 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act relating to Mediation Authority of State Employees Appeal Board" (H. P. 1035) (L. D. 1345) on which the House accepted the Minority "Ought to

pass" Report of the Committee on Labor and passed the Bill to be engrossed on May 29.

Came from the Senate with the Majority "Ought not to pass" Report accepted in non-concurrence.

In the House: On motion of Mr. Huber of Rockland, the House voted to insist and ask for a Committee of Conference.

Orders

On motion of Mr. Meisner of Dover-Foxcroft, it was

ORDERED, that Rev. Gerald Scribner of Dover-Foxcroft be invited to officiate as Chaplain of the House on Tuesday, June 10, 1969.

Mrs. White of Guilford presented the following Joint Resolution and moved its adoption:

WHEREAS, Sunday, June 1st marked the first anniversary of the death of Helen Keller; and

WHEREAS, her life, leadership and inspiration provided a new source of courage and hope for the visually handicapped; and

WHEREAS, with approximately 2,000 such handicapped persons in this State, it is appropriate at this time to remind Maine citizens of the tremendous progress which has been made in carrying on her great work; and

WHEREAS, in keeping with her high hopes it is now possible, through the State Division of Eye Care, for persons so afflicted to become rehabilitated, educated and self-supporting, thereby leading useful lives; now, therefore, be it

RESOLVED: By the Members of the Senate and House of Representatives of the State of Maine in the One Hundred and Fourth Legislative Session now assembled, that we most respectfully recognize this, the first anniversary of the passing of a truly remarkable woman and the great cause she so faithfully served, and honor the week beginning June 1, 1969 as Helen Keller Memorial Week, by urging all Maine citizens to "take a new look at Blindness" by becoming acquainted with their local agency for the blind; and be it further

RESOLVED: That suitable copies of this Joint Resolution be immediately transmitted to the Department of Health and Welfare, Division of Eye Care and Special Services and the American Foundation for the Blind, honoring this occasion. (H. P. 1238)

The Joint Resolution was adopted and sent up for concurrence.

**House Reports of Committees
Ought to Pass in New Draft
New Draft Printed**

Mr. Ross from the Committee on Taxation on Bill "An Act to Provide Boat Registration Fees in Place of Personal Property Tax" (H. P. 397) (L. D. 507) reported same in a new draft (H. P. 1236) (L. D. 1569) under title of "An Act to Extend Registration Coverage and to Provide Increased Fees in Lieu of Personal Property Tax on Certain Watercraft" and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

**Ought to Pass with
Committee Amendment**

Mr. Birt from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of \$5,430,000 for the Construction and Improvement of Vocational Education Facilities at Northern, Southern, Eastern and Central Maine Vocational Technical Institutes, and for the Construction and Improvement of Education Facilities at Maine Maritime Academy and the Unorganized Territory Schools" (H. P. 317) (L. D. 404) reported "Ought to pass" as amended by Committee Amendment "A" (H-443) submitted therewith.

Mr. MARTIN from same Committee on Bill "An Act to Authorize Bond Issue in the Amount of \$9,370,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded, and the Youthful and Adult Offender at our Mental Health and Corrections Institutions" (H. P. 311) (L. D. 398) reported "Ought to pass" as amended by Committee Amend-

ment "A" (H-444) submitted therewith.

Mr. Scott of Wilton from the Committee on Business Legislation on Bill "An Act Revising the Savings Banks Laws" (H. P. 1021) (L. D. 1360) reported "Ought to pass" as amended by Committee Amendment "A" (H-445) submitted therewith.

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

Tabled and Assigned

Mrs. Baker from the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Portland Relating to Recall" (H. P. 1040) (L. D. 1365) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Vincent of Portland, tabled pending acceptance of Report and specially assigned for tomorrow).

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and their Confirmation (H. P. 1016) (L. D. 1324)

Report was signed by the following members:

Messrs. WYMAN of Washington
LETOURNEAU of York
—of the Senate.

Messrs. DENNETT of Kittery
DONAGHY of Lubec
D'ALFONSO of Portland
Miss WATSON of Bath
—of the House.

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

Report was signed by the following members:

Mr. BELIVEAU of Oxford
—of the Senate.

Messrs. RIDEOUT of Manchester
MARSTALLER
of Freeport
STARBIRD
of Kingman Township
—of the House.

Reports were read.

(On motion of Mr. Rideout of Manchester, tabled pending acceptance of either Report and specially assigned for tomorrow.)

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

Mr. SCOTT: Mr. Speaker, I move that we reconsider our action of earlier in the day's session on item nine, page two, where Bill "An Act relating to Small Loan Company Licensees," Senate Paper 396, L. D. 1352, was substituted for the "Ought not to pass" Committee Report.

The SPEAKER: The Chair would advise the gentleman that this has been assigned for third reading tomorrow and his motion is not in order at this time.

Passed to Be Engrossed

Bill "An Act relating to Communications Between Physicians and Patients" (S. P. 224) (L. D. 664)

Bill "An Act to Amend the Credit Union Law" (S. P. 402) (L. D. 1354)

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

Bill "An Act Providing for a Feasibility Study of Alternative Methods for Crossing Fore River" (S. P. 472) (L. D. 1544)

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-452) was read by the Clerk.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I would

like to explain a little bit what this amendment does. This was a bill that was an orphan in the storm. This was proposed originally to the Appropriations Committee to come entirely out of the General Fund for an appropriation of approximately \$80,000. It was to make a survey as to see whether you should have a new high level bridge over the Fore River or whether you would have a tunnel.

Knowing that we were very close pressed for money in the Highway Department, knowing that we didn't have any more money than the General Fund had, we asked for the Highway Commission to advise us as to what could be done and for how much it had to be done for. They came back with an estimate that you could investigate for a high level bridge for \$17,500. You probably could make some investigations as to a tunnel which would be caused from water traffic necessity only, in case that it had to be done on. We felt then that if that was the case, that it had been shoved back to us from the General Fund, that we had no more money than the General Fund and probably less, that it would be perfectly fair if we assumed \$17,500 of it and the General Fund assumed \$17,500; and that is why we put out the bill as we did.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The gentleman has just explained the effects of this amendment. This bill was discussed in the Appropriations Committee and we voted unanimously to not depart from our original—that is not depart from the principle of taking over parts of what we considered strictly Highway matters. We looked upon it in that manner and this amendment does provide for that—it takes the money all out of the Highway Fund.

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

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

of what happens and where the money comes from I don't want this measure killed, for the sake of where \$17,500 comes from one area or another or \$35,000 comes from; and I certainly will hold to the Committee thinking even though when the final vote was taken I was not there—that's no excuse, I should be there, and that's it.

However, I do not want this measure killed for a very very very sound reason, and it is this. This is the beginning of another possible 20-year headache. It happened in our area wherein it concerned our third bridge, and this is just the way it began—with a wrangle on the feasibility study. And it went on from other wranglings, and it went on to a fact of location when the bond issue was before the people. I helped to kill it because the location was very bad. We started all over again and then finally we agreed on a situation whereby the subject was finally put before the people for the second time and voted upon.

I can see here—and for any of you people who have not been in the area, this is getting to be just as bad a situation as we have in my area. I do hope that if the amendment doesn't pass, I can foresee the possibility of killing this measure, and for that reason because I would like to clear the air and I don't like at this stage of the game to table any matters, particularly when those are pretty well resolved. But in this instance here I think that a tabling motion would be in order to possibly straighten out a bad situation, and I hope somebody will table this bill until tomorrow.

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't see any reason for tabling this, the matter is clearly drawn. I see I should have suggested that we had a nine to one report. I agree that probably Mr. Jalbert was not there. We did agree unanimously in the Committee that this was a Highway matter. I

I don't think we had any feeling that the Highway people would turn it down. It was just that we did not wish to depart into this area. I hope that you will go along with the bill and the amendment.

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

Bill "An Act to Make Allocations from the Department of Inland Fisheries and Game Receipts for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 478) (L. D. 1557)

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

(Later Reconsidered)

Third Reader Tabled and Assigned

Bill "An Act Amending the Fictitious Grouping and Rate Filing Provisions of the Insurance Code" (H. P. 1227) (L. D. 1560)

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

(On motion of Mr. Fraser of Mexico, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Bill "An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions" (H. P. 1234) (L. D. 1566)

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

Amended Bills Third Reader Tabled and Assigned

Bill "An Act to Authorize Bond Issue in the Amount of \$1,900,000 for the Development, Expansion and Improvement of State Park and Forestry Facilities and for the Completion of the State's Marine Research Laboratory" (H. P. 309) (L. D. 396)

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

(On motion of Mr. Bragdon of Perham, tabled pending passage to be engrossed and specially assigned for tomorrow.)

**Third Reader
Tabled Until**

Later in Today's Session

Bill "An Act relating to Contracts of Loans under Small Loan Agency Law" (H. P. 622) (L. D. 810)

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

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

Mr. COX: Mr. Speaker, I offer House Amendment "A" under filing number H-423 and move its adoption.

The SPEAKER: Would the gentleman give me his filing number?

Mr. COX: Mr. Speaker, I misquoted the filing number; I don't believe we have it in possession yet.

Whereupon, on motion of Mr. Rideout of Manchester, tabled pending passage to be engrossed and assigned for later in today's session.

**Third Reader
Tabled and Assigned**

Bill "An Act Establishing the Municipal Public Employees Labor Relations Law" (H. P. 636) (L. D. 824)

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This is the Municipal Public Employees Labor Relations Law. The bill is a product of a subcommittee on the Legislative Research Committee. It is a very complicated subject and for those of you who are really interested you should refer to L. D. 824. I have been a member of the Legislative Research Committee for six years. I was Chairman of the Committee in 1957 and '58 when the entire Interstate Highway System came under our scrutiny. It was stymied in the House and

Senate and the Legislative Research Committee had to try to straighten it out, which we did.

However, never was a subject including this Highway situation as complicated or given so much attention as this bill before you today. We had numerous hearings and meetings. We had three separate schools, institutes and workshops. The program became so complicated that it was necessary to engage legal counsel who had had a great deal of experience in the field of collective bargaining.

The legislation is proposed because a real need does exist in the state for something like this, because we have no collective bargaining statutes on our books except in the one instance concerning firefighters in their arbitration law which was passed in 1965. We do have a law relative to arbitration and conciliation in general and it says only that workers should have freedom of association and the right to organize and designate their representation for the purpose of negotiating the terms and conditions of employment. And it is the duty of the Board that is set up now to try to settle disputes, strikes and lock-outs, but there is nothing specific on our books, so it is an impossible task for them without some sort of specific legislation.

Now the Committee at first wanted to make all arbitration compulsory including wages but it was pointed out that in many instances this would be giving the power to three persons to actually set the tax rates in cities and towns and then if the town meeting didn't approve this they would be in a real mess because they wouldn't have the funds to pay their employees. So the proposal before you says that the arbitration will be compulsory except for salaries, pensions and insurance.

Now the Research Committee and the subcommittee favors the bill as it is with the Committee Amendment that the Labor Committee saw fit to put on it. However, there are two very controversial sections. There is a strike prohibition in Section 964(c) and then there is compulsory arbitration in Section 965. If we have one of these we should have them both.

It was felt and it was thought that you cannot take away the right of an employee to strike without giving him something in return and in this type of law the thing that we propose to give him would be compulsory arbitration. But remember it does not concern wages.

The law is workable without either of these and it was thought that the House should have a chance to discuss both of these. So I am going to offer House Amendment "A" which completely eliminates the strike prohibition on 964(c) and I will move its adoption, but I do not urge you to vote for it but I do encourage discussion.

Thereupon, House Amendment "A" (H-447) was read by the Clerk and adopted.

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

Mr. COTE: Mr. Speaker, I now move that this item be tabled until later in today's session, please.

Whereupon, Mr. Ross of Bath requested a vote on the tabling motion.

The SPEAKER: House Amendment "A" has been adopted. The pending question is on this matter being passed to be engrossed as amended. The gentleman from Lewiston, Mr. Cote moves that item nine be tabled until later in today's session. A vote has been requested.

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

Mr. JALBERT: Mr. Speaker, I would just ask him if —

The SPEAKER: The gentleman may not debate the tabling motion.

Mr. JALBERT: It is not a tabling motion, a parliamentary procedure.

The SPEAKER: The gentleman may pose his question.

Mr. JALBERT: Has Amendment "A" necessarily been adopted?

The SPEAKER: The answer is in the affirmative. The pending question now is, shall this matter be tabled until later in today's session? All in favor of this matter being tabled until later in today's session will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

63 having voted in the affirmative and 54 having voted in the negative, the tabling motion did prevail.

Bill "An Act to Provide for Special Plates Observing the State of Maine Sesquicentennial" (H. P. 1130) (L. D. 1457)

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

Bill "An Act Concerning Admissibility of Hospital Records and Copies of Records as Evidence" (S. P. 104) (L. D. 317)

Bill "An Act Revising the Law Regulating the Alteration of Wetlands" (S. P. 470) (L. D. 1528)

Resolve Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises and for Preservation of Certain Business Enterprises" (S. P. 391) (L. D. 1316)

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

Finally Passed Constitutional Amendment

Resolve Proposing an Amendment to the Constitution Regulating the Size of the State Senate (S. P. 463) (L. D. 1537)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 115 voted in favor of same and 12 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted Bond Issue

An Act to Authorize General Fund Bond Issue in Amount of Fifty Million Dollars for Planning, Construction and Equipment of Pollution Abatement Facilities (S. P. 343) (L. D. 1209)

Was 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. 108 voted in favor of same and 30 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. (Later Reconsidered)

Bond Issue

An Act Providing for a Bond Issue in the Amount of Thirty Million Dollars to Reconstruct Route 6 (S. P. 358) (L. D. 1222)

Was 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. 99 voted in favor of same and 39 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 to Provide for Registration of Snowmobile Trailer Dealers (S. P. 185) (L. D. 587)

An Act Appropriating Funds to Establish Renal Dialysis Centers (S. P. 292) (L. D. 972)

An Act relating to Discrimination on Account of Race or Religion (S. P. 397) (L. D. 1349)

An Act Prohibiting the Expenditure of Public Funds to Promote or Oppose Measures to be Voted on at Elections (S. P. 412) (L. D. 1368)

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

Enactor

Tabled Until Later in Today's Session

An Act to Correct Errors and Inconsistencies in the Fish and Game Laws (S. P. 464) (L. D. 1543)

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

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

Mr. LEWIN: Mr. Speaker, as an amendment is being prepared for item 8, I hope that someone will table it just for one day.

Whereupon, on motion of Mr. Finemore of Bridgewater, tabled pending passage to be enacted and assigned for later in today's session.

An Act to Provide a Uniform Fiscal Year for Municipalities (H. P. 98) (L. D. 106)

An Act relating to Release of Persons Found Not Guilty of Crime by Reason of Mental Disease or Mental Defect (H. P. 601) (L. D. 782)

An Act relating to Tuberculosis Sanatoriums (H. P. 686) (L. D. 885)

An Act Creating the Uniform Recognition of Acknowledgments Act (H. P. 931) (L. D. 1192)

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

An Act Establishing the Bureau of Geology and Mineral Resources Within the Forestry Department (H. P. 944) (L. D. 1205)

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

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This document 1205 that is presently coming up for enactment this morning, I have some strong reservations that this type of change-over from the present Department of Economic Development is not necessarily going to serve the purpose for which I think we intended that the geology and the conservation of geology and mining would be done on a more or a better basis throughout the state if it was in the Department of Economic Development where they are primarily concerned and operate within the entire State of Maine as far as development is concerned.

The Commissioner of Inland Fisheries and Game and the Forestry or any other department have

shown no indication that this will be helpful to them because they are primarily concerned with localized or in their particular field, where the Department of Economic Development is concerned with the entire development of the state. I certainly feel that if the departments themselves had no interest in developing the State of Maine as a whole, the changing over from the present Department of Economic Development to the Forestry Commissioner, which before the Committee has shown no interest in doing this type of work in the future for the rest of the state, I fail to see where this is going to accomplish the end result which is going to be for the better administration of these areas state-wide.

So therefore for this reason and many other reasons of development in the area of geology and mining, I would move this morning that this bill and all its accompanying papers be indefinitely postponed for the simple reason that we don't feel that this will accomplish the intent that might have been behind this bill, because the Commissioners that this is being referred to, the Forest Commissioner and Mining are not necessarily interested in having this type of work under their departments. So therefore I move that this be indefinitely postponed.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque moves that L. D. 1205 be indefinitely postponed.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: The purpose of this bill is to take the State Geologist out of the Department of Economic Development and place this function in the Forestry Department.

Actually, it was only about ten years ago that Geology was taken out of the Forestry Department and included in the DED.

The reason for this change ten years ago was basically to put more emphasis on promoting Maine's Geological resources. I don't think anyone quarrels with the concept that our mineral resources should be catalogued and promoted in

such a way as to encourage their development.

But promoting a resource is one thing, and administering the business of its exploitation and development is quite another.

Here, we're dealing with a natural resource—one that can never be renewed once it is exploited. The mining industry has recently had increasing significance for Maine. Its importance was underscored by the public interest in the several mining bills heard before the Natural Resources Committee a few weeks ago.

I believe it is unwise, with an industry of this importance, to continue to include its administration in a Department whose function is entirely a promotional one. The DED promotes Maine. It promotes industry, but it doesn't regulate it. It promotes tourism, but it doesn't regulate it. It promotes hunting and fishing, but it doesn't regulate these.

I think the DED can and should continue to promote Maine's mineral resources. But I think these should be looked upon as a natural resource like timberlands, or rivers and streams, or fishing, and regulated in this concept. Its administration should be separated from its promotion.

The State Geologist is, in practical fact, the chief administrator of the Geology Department, our present Mining Bureau. This bill would simply remove him from the atmosphere of pure promotion and allow him to concentrate on the vitally important business of objectively administering a growing industry.

This is a start towards government consolidation and reorganization. It is a nucleus of the Department of Natural Resources. The only objection at the hearing was a suggestion to wait for the results of the Governor's task force on State Government Reorganization. I submit we can start now without waiting for this report. I would ask you to vote against the indefinite postponement of this bill and when the vote is taken, Mr. Speaker, I ask for the yeas and nays.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I arise on this bill as House Chairman of the Committee on Industrial and Recreational Development. We have in our Committee at the present time the revised DED bill which we have been holding pending the action that might be taken on the bill now under discussion. It was the feeling of the majority of the members of our Committee that there was no object in removing from DED the Department of Geology. We agree and concur with the thinking that Geology probably does not belong in DED but it has been there for ten years, it has space and room where it can remain for another two years, whereas moving it into the Forestry Department simply moves it into an area that is now overcrowded.

Without doubt, within two or four years, we are going to create a Department of Natural Resources and at that time the physical exploration part of the Geology Department certainly should be transferred to a Division of Natural Resources. As for the administration of regulations and enforcement of laws, of course that is going to end up eventually in one of the mining bills, the regulation of mining that is before us or has been passed by us.

I see that nothing is to be gained at the present time by taking this agency, which has been an orphan ever since its existence but has been established in the department of DED for the past ten years. So I hope you go along with the motion of the gentleman from Madawaska, Mr. Levesque.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the cause of all our promotion on mining has been through the efforts and the subscription of advertising by the Department of Economic Development as it existed at that time. We have had this done in Washington County in the town of Pem-

broke and it has proved out that there is mineral in that area. I see no reason to change the procedure that we have been operating under at this time.

I vote to support Mr. Levesque's indefinite postponement.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: It is my impression that this matter got into the area of the Committee on Appropriations and Financial Affairs and if I am not mistaken money has been transferred out of the DED into the Forestry Department. If I am wrong some member—some of the better minds of the Appropriations Committee will correct me.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: No monies were actually transferred in the Appropriation bill but if you look at the bill sponsored by the gentleman from Manchester, Mr. Rideout, you will find that there is a provision in his bill to transfer funds from the Department of Economic Development to the Forestry Department if this bill were enacted.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As the gentleman from Eagle Lake has just indicated on the last page of the bill, it transfers the amount of appropriation provided by the 104th to the Department of Economic Development for the operation of the Division of Geological Survey, shall be transferred to the Bureau and that is the Bureau of Forestry. So I think probably the action taken by this House this morning will be quite significant in the fact that as indicated by one of the previous speakers that this at least for the next two years will only crowd the Department of Forestry where they have very little limited spaces and that the Department of Economic Develop-

ment has done a job which is needed now and in the future.

If in the reorganization of Natural Resources some other areas that might want to come in under Geology and a suitable location could be found for this area of development, then I think probably we would all go along with the assumption that this would serve a purpose in Natural Resources as a whole, but only to take the Geology out of the Department of Economic Development would prove to be erroneous at this particular time. So I hope that you will support the motion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Being one of those who was here when the new department was set up and having been a stalwart friend and supporter of the department, my one thought when I worked tirelessly to get more funds on several occasions and encouraged this department for their work was that it was in my opinion a department set up, one, to bring in new industries; two, expand existing industry; and, three, go into our recreational problems.

Now in this particular situation it isn't a question with me of wanting to take away from a department and it isn't a question of my wanting to give to a department if it is so anything in an area whereby this might overload them. However, regardless of what the present thinking might be of the Department of Economic Development I still adhere to my thinking and my previous thinking that I had when the department was first set up.

I can honestly say, and I hope I say it modestly, that no one has spent more time and no one is more personally acquainted with the personnel of the Economic Development Department than I am. I recognize the fine work that has been done. I recognize one thing, that I don't want the Department of Economic Development to expand so far and into such areas that we would find ourselves losing the real, solid, sound

purpose for which the Department was originally set up.

It isn't a question at all of not recognizing the good work that they have done. I think right now with the federal mandates we cannot necessarily hope to have large industries move from one area to another. I think that has stopped. That raiding party has really stopped as of the last few years where you now have got to bring back—if you do move you've got to bring with you the union, you've got to bring with you the prevailing wage scale, you must bring with you if they so wish the personnel.

I think it makes it now a fact that we must necessarily go along as far as industry is concerned with the full program of expansion of present industry and we must in my opinion continue at great lengths to promote the vast, expanding industry that we already have and that is the fact that we truly are Vacationland and we truly are what the people need and what the people want and that is tourism. And the proof of that pudding is the lines waiting, happily waiting, and I believe for us also over the last weekend the long, long lines waiting to come into Maine. I want the Department of Economic Development to expend their time expanding present industry, getting all the new industry we can, but particularly I want to stress the fact that I would like to see them spend a great deal more time wherein it concerns itself with recreation.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: It pains me deeply to oppose my friend, Mr. Farnham from Hampden. He speaks of the orphan. Forest Commissioner Wilkins has offered to give this baby a home and I think we ought to go along and oppose the motion to indefinitely postpone the bill.

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

Mr. RIDEOUT: Just briefly, Mr. Speaker this is not going to dis-

turb the function of the DED to promote mining. The function of the DED as Mr. Jalbert indicates is promotion. The function of the Forestry Department is primarily regulatory. This would place the regulation of mining in the department that is regulating and the DED would still have the promotion feasibilities.

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

Mr. DENNETT: Mr. Speaker and Members of the House: First I would rise in opposition to the motion made by the gentleman from Madawaska, Mr. Levesque, and heartily in support of the gentleman from Manchester, Mr. Rideout. I think he has covered the subject very very well and I think with that which Mr. Jalbert, the gentleman from Lewiston, has added it leaves little doubt as to the feasibility of this transfer. But there is one question that I would direct through the Chair to anyone who could possibly answer. How many employees are presently employed in this Bureau of Geology and Mineral Resources? I think it is of great interest to the members of this House. I ask this honestly; I do not know the answer. I would be very appreciative if someone could answer.

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

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

Mr. MARTIN: Mr. Speaker, this is off the top of my head but if I remember correctly we are talking of three persons, the State Geologist, an assistant and one secretary.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I think definitely, taking this answer which I assume is very correct into consideration, I don't think that the main argument made by the gentleman from Madawaska is too valid. I don't think these

three or four people would overcrowd the Department of Forestry.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Kittery has indicated that my primary concern was the availability of space. I think a previous gentleman had made the remark of the availability of space from the Committee. My primary concern is that by taking the geologist out of the Department of Economic Development, how can they in good conscience be able to promote an area that they have nobody that is competent in the field of development in Natural Resources if their geologist and all their assistants are removed from the department? They might have to do some promotional work; we will probably have to hire somebody else to fill in the place if they are going to continue promoting in this area. If you remove the geologist and the assistants in the department, how can they promote that particular field of endeavor if they have nobody that is knowledgeable in the area that they are trying to promote?

So I certainly feel that the Forestry Department have indicated to the Committee that they are not necessarily interested in this type of venture altogether. This is why I personally feel that if the Forestry Department indicated before the Committee that they were not interested, why dump something on them that they are just going to have there and their primary interest will be in a localized area of forestry and that will be it? The rest of the development as far as geology is concerned and natural resources will go untouched, and that was my primary concern with the bill.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentleman of the House: As I understand it, the Forestry Department has control over a great deal of the oil bearing lands in the State of Maine and the man who should be doing the work

on these oil bearing lands is in another department, so that you have a split here in the control of the lands that should be studied. And I would support the gentleman from Manchester, Mr. Rideout on his motion.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Madawaska, Mr. Levesque that House Paper 944, L. D. 1205, An Act Establishing the Bureau of Geology and Mineral Resources Within the Forestry Department, be indefinitely postponed.

The gentleman from Manchester, Mr. Rideout has requested a roll call. 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, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Madawaska, Mr. Levesque that L. D. 1205 be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA—Bedard, Bernier, Binnette, Boudreau, B o u r g o i n , Brennan, Burnham, Carey, Carter, Casey, Coffey, Cote, Cottrell, Couture, Crommett, Croteau, Curran, D'Alfonso, Dam, Danton, Dudley, Eustis, Farnham, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Hunter, Johnston, Jutras, Keyte, Laberge, Lawry, Lebel, Leibowitz, Levesque, MacPhail, Martin, McKinnon, McTeague, Mills, Mitchell, Morgan, Nadeau, Ouellette, Rocheleau, Temple, Wheeler.

NAY — Allen, Baker, Benson, Berman, Birt, Bragdon, Brown, Buckley, Bunker, Chick, Clark, C. H.; Clark, H. G.; C o r s o n , Cox, Crosby, Curtis, Cushing, Dennett, Donaghy, Drigotas, Durgin, Dyar,

Erickson, Evans, Finemore, Foster, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Huber, Immonen, Jalbert, Jameson, Kelleher, Kelley, K. F.; Kelley, R. P.; Lee, LePage, Lewin, Lewis, Lincoln, Marquis, Marstaller, McNally, Meisner, Millett, Moreshead, Mosher, Norris, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Starbird, Stillings, Susi, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, White, Wight, Williams, Wood.

ABSENT — Barnes, Carrier, Chandler, Cummings, Emery, Gilbert, Hichens, Kilroy, Lund, Tangauy.

Yes, 51; No, 89; Absent, 10.

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

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

An Act Amending the Charter of Portland Relating to Title of Chairman of the City Council (H. P. 998) (L. D. 1300)

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 Until Later in Today's Session

An Act Providing for Androscoggin County Funds for Child and Family Mental Health Services (H. P. 1084) (L. D. 1405)

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

(On motion of Mr. Marquis of Lewiston, tabled pending passage to be enacted and assigned for later in today's session.)

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

An Act relating to Adoption of Children (H. P. 1218) (L. D. 1551)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be en-

acted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

Conference Report on Bill "An Act Providing for a Presidential Preference Primary" (H. P. 516) (L. D. 687) reporting that it be referred to the 105th Legislature.

Tabled—May 29, by Mr. Henley of Norway.

Pending—Acceptance.

On motion of Mr. Henley of Norway, the House rejected the Committee of Conference Report.

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

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

HOUSE REPORT — Committee on Judiciary on Bill "An Act to Provide Protection for the Consumer Against Unfair Trade Practices" (H. P. 770) (L. D. 1003) reporting "Ought to pass" as amended by Committee Amendment "A" (H-364).

Tabled—May 29, by Mrs. Baker of Orrington.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentlewoman from Fal-mouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker and Members of the House: I move that the Committee Amendment be indefinitely postponed and would like to speak on my motion.

The SPEAKER: The Chair would advise the gentlewoman that we must accept the Committee Report and give it its readings prior to the indefinite postponement of the Committee Amendment. Is it the pleasure of the House to accept the Committee Report?

Thereupon, the "Ought to pass" Report was accepted and the Bill given its two several readings.

Committee Amendment "A" (H-364) was read by the Clerk.

The SPEAKER: The pending question is the adoption of Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentlewoman from Fal-mouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker and Members of the House: L. D. 1003 is an Act to protect the consumer against unfair trade practices. The Judiciary Committee has put its stamp of approval on this Act and thereby recognized the need for protecting the consumer against unfair trade practices. However, the proposed Committee Amendment establishing a State Trade Commission is an extremely unwise proposal.

At a time when every Maine citizen and legislator is concerned with the spiraling cost of government, at a time when each of us must demand maximum value for our tax dollar, at a time when most responsible legislators and commentaries on State government are advocating steps to streamline State government and to make its operation more efficient—it seems most unwise, even foolish, to create another Commission, particularly when there is absolutely no need for it.

The Committee Amendment completely fails to recognize that consumer fraud laws can be administered easily and enforced through the existing structure of the Attorney General's Office without the imposition of an additional governmental bureau. Further, this amendment proposes the creation of the office of the State Trade Commission and completely ignores the need for having people with the appropriate legal training involved in the administration and enforcement of the Act. The Attorney General's Office has been actively involved in the investigation of consumer fraud cases over the past several months and is prepared to implement the results of these investigations upon the enactment of L.D. 1003.

It should also be emphasized that the reasonableness of having the Attorney General's office involved in the administration of the Act is corroborated by the fact that out of the thirty states now having a comparable program, twenty-seven of them are under the supervision of the respective Attorneys General.

In short, the administration and enforcement of the consumer fraud

laws should be placed within the jurisdiction of the Office of the Attorney General in order to carry out the purposes of the Act in the most efficient and least costly manner. The imposition of a State Trade Commission would create a new governmental unit which is not only an expensive extravagance, but an unwise vehicle for the protection of the Maine consumer. The Attorney General's Office is well staffed and structured to implement the purposes and policies of this Act so that the Maine citizens can receive the most benefit for their tax dollar.

I urge you to vote for the indefinite postponement of the Committee Amendment and request a roll call.

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

Mr. BERMAN: Mr. Speaker, Members of the House: We have tried very hard in our Committee to decide the bills presented to us on the evidence and not to let other observations interfere with the decision making process. Now I for one have been interested in this field of consumer protection for quite some time and when I see a possibility of conflict of interest popping up I try to point it out.

At least twice I have suggested to the sponsor of this L. D. it would be better to avoid situations which could create the possibility of conflict of interest when none existed before. Our Committee felt it would be far more sensible in applying the jurisprudence of the Federal Trade Commission, which this bill seeks to incorporate, and have a State Trade Commission as a regulatory body than to spend exactly the same money to beef up one element of the executive branch, which as I understand it is under the legal duty to defend agencies such as the Banking Department, the Insurance Department, the Agricultural Department and so on. I cannot see anyone wearing two hats at the same time.

I cannot see the State's attorney defending such departments and at the same time really investigating and possibly using the

means created by this bill to process consumer complaints. While the L.D. says that nothing in the bill shall apply to transactions or actions otherwise permitted under laws as administered by any regulatory board or officer acting under the statutory authority of this State, this exemption will have to be interpreted by our courts. And it certainly would avoid a conflict of interest in the State's Attorney's Department if that department did not have to defend the regulatory board or officer and also have to investigate and prosecute such regulatory board or officer.

I put it to the House very candidly. How can any fair minded person make rules and regulations, interpreting the complicated Section 207 of this bill and not make rules and regulations inconsistent with the rules, regulations and decisions of the Federal Trade Commission? The sound answer is, he cannot. Only an independent agency can do this, and if we in Maine are to embark upon this course of consumer protection as thought of in L.D. 1003 we should do it on a very sound basis.

This is one of the reasons we have the Federal Trade Commission and we don't have that area of government in the Attorney General's Department. I should like to see the consumer protected and not get bogged down in legal quagmires when wrong approaches are used for complicated and important fields of jurisprudence. I hope that the House will go along with the sensible approach of the unanimous Committee feeling on this report and I certainly concur with the good lady from Falmouth, Mrs. Payson that a roll call be had on this matter.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Members of the House: Consumer fraud abuses are growing fast in the State of Maine, and it is impossible to take effective action under our present laws. Maine is one of the few states left that does not have a comprehensive consumer protection law on its books.

The Federal government has been active for many years in this area through the Federal Trade Commission and this type of law that exists on the Federal level has been adopted by many states. Experience has shown, particularly in Massachusetts, that legislation such as L. D. 1003 is an effective weapon against unscrupulous individuals who are preying on the citizens of all the states in the buying of goods and services. It is important to note that this law will be administered by the Attorney General, as has been pointed out, the chief law enforcement officer of the State. It is only logical that the Attorney General receive this function since he has a ready-made staff of attorneys and investigators who have actually been working in this area for many years, but who have been hampered by the lack of proper legislation.

We need this to stop further abuses. I urge you to vote for the bill and to support Mrs. Payson in her "ought not to pass" on Committee Amendment "A".

I don't quite understand Mr. Berman's interpretation of Section 207, number 2, where under rules and regulations, I read it to say "The Attorney General may make rules and regulations interpreting this section. Such rules and regulations shall not be inconsistent with the rules, regulations and decisions of the Federal Trade Commission and the Federal Courts interpreting the provisions of 15 U.S.C. 45 (a)." It seems to me that they will be in total agreement; they won't be in conflict with the Federal Trade Commission.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I wish to go on record as being in support of L. D. 1003 and in opposition to the Committee Amendment. There are two other bills that have been introduced in this session of the Legislature having to do with consumer protection. One was sponsored by Senator Gordon and I am the sponsor of the other one. I am very much interested in this field

and I urge you to support the bill and kill the amendment.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I am in total agreement with the good lady's move to indefinitely postpone this amendment and I wish to call your attention to some of the common trade items that we have all seen abused in the State of Maine and I make brief comment on the siding jobs that you have seen on the poor housing throughout the state, painting jobs, shingling, roofing, the installation of windows, cheap cement work, oil driveways that are supposed to be tar and so forth, and I think if we are always worrying about the poor people of the state we should support this bill wholeheartedly and put a stop to some of these vicious trade practices.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: I concur with the gentlewoman from Falmouth, Mrs. Payson, that this bill be passed without amendment. I feel that passage of this bill is crucial if we are going to stop the growing abuses in this State in the consumer fraud area. It is interesting to note that at the Committee hearing on this bill it was reported that even now the Attorney General without a comprehensive consumer fraud law receives more than 500 complaints a year in the consumer fraud area, and I feel it is time that we untie his hands with effective legislation such as this L. D. so that the consumer can finally be protected in a proper manner in the State of Maine.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I find myself at somewhat of a disadvantage this morning having to talk against four such lovely ladies of the House, but I do feel quite strongly and I think other members of the Committee feel very strongly that regardless of these lovely la-

dies we shouldn't do anything to bring about any conflict of interest. Now we don't have any conflict of interest at the present time in this particular field and as I have tried to point out in my way, speaking to the merits of the bill and not getting involved in red herrings or blue herrings or white herrings, that it is really appropriate that if we are going into this field that we should do it in a very logical and calm and sensible way. Now so many times we hear what other states do and what other states don't do, but like many of you I am a native of this state and I think the people in the State of Maine try to decide things on the appropriate merits of the bill and from what I have seen lately I don't think the people of the State of Maine want to set up any situation that is going to involve conflict of interest.

So I hope that you will stay with the unanimous Committee feeling on this very important measure.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: Just briefly I will take it from another tack. I disagree with Mr. Berman. I support the ladies of the House and Mr. Hardy in putting this regulation under the Attorney General's office where it belongs. I don't think we need another commission. I think we have got fully enough commissions now and I would prefer to stay within the boundaries that we have established.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: Likewise I am very reluctant to oppose all these fine ladies. However, I think that one thing should be understood. The Committee and the ladies are in complete agreement that something should be done in regard to legislation to handle consumer frauds. However, the Committee just wants to avoid any conflicts, as has been pointed out by Mr. Berman. Consequently we felt that a better job could be done by an

independent agency. Therefore I hope you vote against the motion to kill the amendment which was approved by the Committee unanimously.

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

Mr. LUND: Mr. Speaker and Members of the House: At the risk of incurring the wrath of the ladies I would like to comment briefly on the amendment, but preface my remark by saying that I too share the concern that we all feel I think for the need for some consumer protection; and I unfortunately did not have the opportunity to take part in the workings of this bill.

However, there is another aspect of the bill in its present form that bothers me a little, and that is that we are loading onto the Attorney General's office if this bill passes what might be considered a line enforcement function. We have already done that as I recall in one other instance already this session; as I recall it, we were in the process of putting the Fire Arson Division within the Attorney General's office. And I for one have serious reservations about the wisdom of burdening the Attorney General's office with a lot of line functions or field investigative functions, and I wonder in my own mind whether the Attorney General's office might not be more effective if they retain the enforcement prosecuting function.

So at the risk of incurring the wrath of the ladies, and while assuring that I too am very much concerned that we have an effective consumer enforcement division, I think I shall vote against the motion to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker and Members of the House: In answer to the questions which have been brought up by the gentleman from Houlton, Mr. Berman, who has cited the problem of a conflict of interest, which really basically comes down to the Attorney General's office investigating and prosecuting. The Attorney General's office has been investigating and

prosecuting for generations and as of March 1967 for example the Legislature specifically gave the Attorney General's office full responsibility for the investigation and prosecution of homicides.

Secondly, at this moment the question has come up of whether the Attorney General's office should be in a position of line functions. At this point the Attorney General's office is looking into all the cases which are referred to it in relation to fraud. The question has come up whether a commission should be formed. At this time we can get along, I am told by the Attorney General's office, with a lawyer or two lawyers to take care of this problem. If the time comes when we need a commission, the Attorney General's office would relinquish its responsibilities in this field and a commission should then be formed. But until then, it is less expensive and more efficient to do it this way.

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

Mr. BENSON: Mr. Speaker and Members of the House: I don't know whether it has been mentioned but some three years ago the Commonwealth of Massachusetts adopted exactly the same legislation that we're talking about today, and since that time the Massachusetts Attorney General has been extremely successful in curtailing consumer fraud abuses along with returning hundreds of thousands of dollars to consumers that have been defrauded.

I think it is essential that this Legislature adopt this legislation so that the citizens of this state finally have a comprehensive protection against the unscrupulous individuals that are bilking them out of many thousands of dollars every year.

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Payson that Committee Amendment "A" on Bill "An Act to Provide Protection for the Consumer Against Unfair Trade Practices," House Paper 770, L. D. 1003, be indefinitely postponed. She further moves that when the vote is 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 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, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Payson that Committee Amendment "A" be indefinitely postponed. All members in favor of this motion will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Birt, Boudreau, Bragdon, Brown, Buckley, Bunker, Carter, Casey, Chandler, Chick, Clark, C. H.; Coffey, Corson, Cote, Crommett, Crosby, Cushing, Dam, Dennett, Donaghy, Durgin, Dyar, Erickson, Eustis, Evans, Farnham, Finemore, Gilbert, Good, Hall, Hansor, Hardy, Hawkens, Henley, Hichens, Huber, Immonen, Jameson, Johnston, Kelley, R. P.; Lee, Leibowitz, LePage, Lewin, Lincoln, MacPhail, Marstaller, Meisner, Millett, Mills, Mitchell, Mosher, Norris, Noyes, Page, Payson, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Tanguay, Thompson, Trask, Tyndale, Watson, Waxman, White, Wood.

NAY — Bedard, Berman, Bernier, Binnette, Bourgoin, Brennan, Burnham, Carey, Carrier, Clark, H. G.; Cottrell, Croteau, Curtis, Danton, Drigotas, Dudley, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Giroux, Harriman, Haskell, Heselton, Hewes, Jalbert, Jutras, Kelleher, Keyte, Laberge, Lawry, Lebel, Levesque, Lewis, Lund, Marquis, Martin, McKinron, McNally, McTeague, Moreshead, Morgan, Nadeau, Ouellette, Porter, Ricker, Rochelleau, Foss, Sheltra, Soulas, Starbird, Temple, Vincent, Wheeler, Williams.

ABSENT — Couture, Cox, Cummings, Curran, D'Alfonso, Emery, Gauthier, Hunter, Kelley, K. F.; Kilroy, Susi, Wight.

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

The SPEAKER: Eighty-one having voted in the affirmative and fifty-seven in the negative, the motion does prevail.

Thereupon, the Bill was assigned for third reading tomorrow.

Mr. Barnes of Alton presented the following Order out of order and moved its passage:

ORDERED, that Martin Perkins and Michael Lahey of Charleston be appointed to serve as Honorary Pages for today.

The Order received passage.

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

Bill "An Act relating to Posting Bonds by Defendants under the Uniform Paternity Act" (H. P. 817) (L. D. 1056)

Tabled — May 29, by Mr. Levesque of Madawaska.

Pending — Motion of Mr. McTeague of Brunswick to reconsider passage to be engrossed.

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

Mr. McTEAGUE: Mr. Speaker, an amendment to this is in the process of being prepared and I would therefore hope that some member would tabled this for one day.

Whereupon, on motion of Mr. Danton of Old Orchard Beach, tabled pending the motion of Mr. McTeague of Brunswick to reconsider passage to be engrossed and specially assigned for tomorrow.

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

MAJORITY REPORT (6) — "Ought to pass"—Committee on Taxation on Bill "An Act Increasing Certain Motor Vehicle Registration Fees" (H. P. 326) (L. D. 413) and MINORITY REPORT (4) reporting "Ought not to pass"

Tabled—May 29, by Mr. Lee of Albion.

Pending—Motion of Mr. Dudley of Enfield to accept Minority Report.

On motion of Mr. Snow of Caribou, retabled pending the motion of Mr. Dudley of Enfield to accept the Minority Report and specially assigned for tomorrow.

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

Bill "An Act relating to Municipal Conservation Commissions" (H. P. 749) (L. D. 967) (In Senate, passed to be engrossed as amended by House Amendment "A" H-298) (In House, passage to be engrossed as amended reconsidered)

Tabled—May 29, by Mr. Shaw of Chelsea.

Pending — Adoption of House Amendment "B" (H-401).

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Casey.

Mr. CASEY: Mr. Speaker and Ladies and Gentlemen: This amendment "A" is one that you might remember several weeks ago was passed to be engrossed and then sent to the Senate. The Senate returned it to us for engrossment. During that time the bill was in the hands of the Attorney General's office and they said that the amendment and the bill itself was inconsistent with the laws that were already on the books. So that is the reason that a few weeks ago that I was tabling this bill every day until this amendment was prepared, and this amendment was prepared by the Attorney General's office and then I introduced it last week. So I just thought that I would say a few words on it.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Members of the House: This amendment attached to the original bill is a far cry from what it started out to be and I think some of us when we saw the amendment were more or less alarmed as to what it might do. I was asked to introduce this bill by Mr. Salisbury of the Maine Municipal Association. I have checked with him. He is in agree-

ment with the amendment; in fact most of the material contained in the amendment is already on the Statutes. He agrees that this in no way changes the original intent, and I move the adoption of the amendment.

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

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

Bill "An Act to Grant Adult Rights to Persons Twenty Years of Age" (H. P. 1162) (L. D. 1484)

Tabled—May 29, by Mss Watson of Bath.

Pending — Passage to be engrossed.

On motion of Mr. Rideout of Manchester, retabled pending passage to be engrossed and specially assigned for tomorrow.

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

Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Twenty Years (H. P. 614) (L. D. 802)

Tabled — May 29, by Mr. Vincent of Portland.

Pending — Final Passage.

On motion of Mr. Rideout of Manchester, retabled pending final passage and specially assigned for tomorrow.

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

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

Tabled — May 29, by Mr. Levesque of Madawaska.

Pending — Passage to be enacted.

Thereupon, 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. 112 voted in favor of same and 19 against, and accordingly the Bill

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

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

HOUSE REPORT — "Ought not to pass" — Committee on State Government on Bill "An Act Establishing a State-Municipal Government Revenue Sharing Program" (H. P. 1174) (L. D. 1498)

Tabled — May 29, by Mr. Carey of Waterville.

Pending — Acceptance.

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

Mr. SNOW: Mr. Speaker, I move that we substitute L. D. 1498 for the Committee Report and would speak to my motion.

The SPEAKER: The gentleman from Caribou, Mr. Snow, moves that the House substitute the Bill for the "Ought not to pass" Report.

The gentleman may proceed.

Mr. SNOW: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 1498 before you today proposes a completely new concept in sharing state revenue with cities and towns. On its surface this legislative proposal would appear to need considerable study. Quite frankly, that is the way I first looked at the so-called bloc grant program. Now I see this proposal somewhat different — and for two basic reasons. First, I am convinced that the Education Committee will soon be recommending a new school subsidy formula which has been given little, if as much, study as the bloc grant proposal. Second, I am genuinely convinced that the existing school subsidy formula is unfair and does not achieve its purposes. Who can justify, for example, school subsidy payments which vary from \$7 per capita to \$1,500? Who can justify Presque Isle receiving \$43 per capita and Brunswick, a community with similar population receiving \$19 per capita? The inequities are almost endless. Gorham receives three times the subsidies of Freeport; Portland, \$13 per capita; Manchester, \$65 per capita.

The fundamental question before the Legislature today is whether

or not we are going to develop a revenue-sharing program that is fair and equitable for all communities. I sincerely and strongly believe that the bloc grant formula does treat all communities equitably.

The bloc grant formula is simple when compared to the school subsidy formula. The formula has three factors: Population of the municipality; valuation of the municipality; and the property taxes raised by the municipality.

In layman's language, the impact of the bloc grant would be felt as follows: Cities and towns would receive a grant of money from the state based principally on the population of the municipality. Those municipalities making a relatively greater tax effort on their valuation would receive what might be termed a bonus because of the higher level of property taxes in the municipality. Let me use my own community as an example. Caribou has approximately 1.2% of the total municipal population. Caribou taxpayers pay property taxes in excess of the average municipal property taxpayer in Maine. Because of this fact, Caribou's proportional share of the local government fund would be 1.4%.

If my motion to substitute L. D. 1498 prevails today, I will then submit an amendment to the bill at third reading which will:

(1) Permit the continuation of the school subsidy program as funded in Part I of the budget already enacted by the House and signed by the Governor.

(2) Provide for a \$4.9 million appropriation to be distributed to the cities and towns in the first year of the biennium (1969-70) and a \$6.4 million appropriation for the second year of the biennium (1970-71).

In essence, the amendment will provide that all new monies to be distributed to municipalities would be distributed under the bloc grant formula. Every community would receive additional revenues.

Ladies and gentlemen of the House, I urge you to vote favorably on the bloc grant proposal today. If this proposal is to be properly compared with the new school subsidy programs, your

vote is needed. At a minimum, this proposal should be kept alive until such time as a comparison with the subsidy plan can be made. Again, the fundamental issue before us is whether or not each municipality will receive a fair share of the state revenues.

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

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

Mr. CHANDLER: Mr. Speaker and Ladies and Gentlemen of the House: I rise today to support the motion of Representative Snow. The bloc grant proposal has another very important feature which has not yet been mentioned. The bloc grant made to each municipality has no strings attached. The only restriction on the use of the money is that it must be deducted from the property taxes to be committed to the tax collector, thereby reducing the total property taxes that would otherwise be levied to provide for municipal services.

L. D. 1498 as proposed is written so the bloc grant can not be earmarked or dedicated for any particular program such as education, public works, law enforcement, etcetera. The community itself makes the determination of what municipal appropriations will be made. In my opinion, the bloc grant proposal should be enacted by this legislature.

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

Mr. DENNETT: Mr. Speaker and Members of the House: Regretfully perhaps, I arise this morning to oppose the motion made by the gentleman from Caribou, Mr. Snow. This bloc grant scheme descended upon this legislative body quite late in the session. I believe that the proposal does contain certain merit. But I think that this is neither the time nor the place to enact such laws.

We are going along presently under the educational subsidies. We have for a long while. Now these may be good, they may not be good, but it was the studied opinion of all the members of the Committee that heard this bill, the Committee on State Government, that although this bill contains certain

merit, it should also be subjected to further study.

The gentleman from Caribou, Mr. Snow, speaks of new monies that would finance this and be distributed to the cities and towns. Ladies and gentlemen of this House, I submit to you that we haven't even got old monies to play with, least of all new monies. I think we are only compounding our problems if we attempt to adopt this at this present moment.

Another thing that was brought out was that certain communities, groups of communities, that had SAD's would be deprived of their additional 10 percent under this plan. I will agree, the larger communities certainly would profit by this bloc grant scheme, but the smaller communities would certainly suffer. This whole thing is unproved, it is untried, it is really un-studied; and I think that this is the pack that we should ultimately take. If you do go along with my suggestion and you turn down this morning this bloc grant scheme, then I assure you there will be a joint order introduced in this body to send this to the Legislative Research Committee for a study—and it is deserving of a study, that we ultimately might come up with something that is workable.

I feel again that if you should attempt to adopt this this morning that the result would be chaos and you certainly would live to regret it. I certainly hope when the vote is taken, you will vote to oppose the motion of the gentleman from Caribou, Mr. Snow.

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

Mr. SNOW: Mr. Speaker and Ladies and Gentlemen of the House: I certainly hesitate to take an opposition to my good friend, Mr. Dennett, but there are two points that he mentioned that I feel that he is mistaken on — one is new monies. This L. D. wouldn't require any additional funds than has already been proposed in the Part I Budget and Part II Budget.

Secondly, as far as smaller communities receiving less monies, no community would receive any less subsidy under this L. D.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would ask a question through the Chair of Representative Snow or any member who cares to answer. Mr. Snow mentioned that population of the town would be one of the factors in determining the size of its bloc grant. In the case of towns like Brunswick and many other communities in the state where there are military installations, our actual population, that is the number of people present, the number of children in the schools, is considerably higher than our population for federal census purposes because they exclude the servicemen and their dependents when they count the population. Does this bill take this factor into account?

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to the gentleman from Caribou, Mr. Snow, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. SNOW: Mr. Speaker, I believe that in these municipalities where you do have heavy federal installations, there are other provisions that provide for education subsidies on the federal level.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I believe I may answer Mr. McTeague's question. The federal census does in most places include military installations. This is one reason why that in most apportionments of this House there are deductions. You will find, I think, if you check the record, that this House is based on a state population of something like 946,000 after the 1960 census of 969,000 was adjusted to take out some of these installations, the inmates of institutions and so forth. This is why our House is based on a less population figure than the census shows. So I think that you will find that the census figure is the population including all installa-

tions at the time the census was taken. Of course we are now nine years removed from that census.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: It bothers me to speak against the good gentleman, Mr. Snow, but I think he will remember at the Committee hearing, this being a bill that has been brought into life by the Maine Municipal Association, that Mr. Salisbury suggested that this be debated at the same time that the new school subsidy formula was introduced. I concur with Mr. Dennett that this has many many merits. I am for the bloc grant concept but I am not sure that the formula that they are using is any better or any worse than the present formula or possibly the new formula. Therefore, I would concur with Mr. Dennett that you accept the Committee Report, "Ought not to pass" and I too will assure you that there will be an order in to refer this to Research for a further study.

Mr. Snow of Caribou was granted permission to speak a third time.

Mr. SNOW: Mr. Speaker and Members of the House: In regards to the comments of Representative Rideout in holding this bill until we see the new school subsidy program, we have tabled this bill, as many of you are aware, from day to day waiting for this subsidy program, but due to the late time in the session and to try to move things along we were encouraged to take early action on this bill, and with your vote today in favor of my motion this would simply keep this bill alive until such time as we do have a chance to compare this program with the subsidy programs that we expect to come up later.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the State Government Committee and after giving this bill a good many

hours of consideration really in discussing it with other people. I would like to point out certain aspects here that do not readily appear.

I agree that the present school subsidy formula has some problems but I also find that this proposed bill has many problems, and for one specific example, in this bill the State would be subsidizing the towns or cities for all their expenditures. Let's take fire protection for instance. In your larger communities you have full-time fire departments, and we would be, in effect, subsidizing these fire departments. In your smaller communities you have volunteer fire departments which run at a minimum cost, yet in these smaller communities you pay more fire insurance than you do in the larger communities so that you are therefore paying a fire insurance rather than fire insurance through taxes as you do in larger communities. Yet this doesn't appear in your tax bill. So in effect, the smaller communities subsidize the larger communities in fire protection, also in garbage collection or other things that your larger communities carry on. So I feel that there are a number of defects in this bill, and I agree with Mr. Dennett that this bill needs more study before we pursue it. Thank you.

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

Mr. FECTEAU: Mr. Speaker and Ladies and Gentlemen of the House: Private education at the college level is thought to be the solution to higher cost of state education, and you have voted to support private education at the college level. Yet, at the secondary and elementary, the present school subsidy program penalizes private education, and in fact if allowed to continue, it will place private, secondary and elementary education out of business.

Take for instance the City of Biddeford which I represent. The City of Biddeford has a total population of approximately 19,500. It has a public school population of 2,800 students and a private school

population of 2,100 students. The property taxpayer in the City of Biddeford is now paying a \$28 tax rate which is just above state average. Yet when the school subsidy 20-mill effort is applied to said city, it reflects a low effort because of the high valuation caused by the 19,500 population. Above and beyond the 28-mill effort, approximately 95% of this city's population supports private education in said city which is not reflected in the 20-mill effort. Yet, if that effort were represented in this city's tax effort, its 28 mills would rise to 40 mills which does make the property tax effort in said city one of the highest in the state.

Citizens are spending \$1,000,000 per year on private education alone. Therefore, the present school subsidy formula does not reflect tax effort in terms of 20-mill rate, does not reflect the savings that these people are making to the state in terms of school subsidy, and in turn the school subsidy formula penalizes those people who are making that effort.

Yet the City receives only \$138,900, while the City of Fort Kent receives \$582,400 for only 1555 students. The City of Biddeford would receive approximately \$800,000 in school subsidy if all students went to public school, so that the private schools in said city are saving the state \$662,000.

Our tax rate last year was \$28; this year we expect \$33; by 1970 it will go to \$40; in 1971 we expect \$45 per thousand. I say again, the citizens of Biddeford are now making a better than average tax effort and yet are receiving little in state revenues in the form of school subsidies. The citizens of Biddeford return to the State in the form of sales tax revenue \$1,200,000 and receive only \$135,800 in school subsidies.

Now some people will tell me that we have help from the small towns, but I have seen plenty of my people shop in Portland, Lewiston and elsewhere, so I think that this sales tax that we pay to the State is really over a million dollars.

Let's look at costs and what the present subsidy is doing in that instance. Cost of educating children in the State of Maine varied from \$316 to \$620 in 1967 for elementary per pupil expenditures; we agree expenditures and costs vary for a multiple of reasons. Yet why does the town of Leeds receive \$81.54 per capita to educate its children while the City of Biddeford receives only \$7.05 per capita? Can we educate our children as well as Leeds on twelve times less school subsidy? Yet, gentlemen, when we look at the average manufacturing wages for said City and town, we find Biddeford's at \$4515 and Leeds at \$5725. We don't believe that the citizens of Biddeford have twelve times more the ability to educate their children while receiving an average of \$1200 less in gross income.

Some citizens in Biddeford are wondering about the constitutionality of such inequity in school subsidy. We are not asking for parochial school help; we are only asking for help on the 2400 public school children that we educate.

Therefore, Legislators, I strongly urge the adoption and passage of L. D. 1498 so that all children and citizens will equally benefit from broad base tax revenue distributed on the equitable per capita basis as designated by 1498. So I really support Mr. Snow.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It might be well if the remarks of the gentleman from Biddeford, Mr. Fecteau, might be reproduced and distributed upon all our desks.

I was one of those who voted and spoke for the original passage of what is called the Sinclair Act or the Lowe Act or the present subsidy law that we have on our books. It certainly was our intention at the time, coming from the welfare communities, to go along with this measure. But it appears to me that somewhere along the line, through the continuation of the implementation of the present general subsidy act,

somewhere along the line the welfare communities so-called then, to a certain degree are now becoming the poorer communities.

I certainly can't see, as a friend of education, the good points still existing in the general subsidy act. However, I certainly will have to repeat what I stated when we first passed the measure back many moons ago, that if we would continue the present method of payments which I know now is going to be corrected, if we would continue the present program as it existed, eventually the State of Maine would go bankrupt or else it would wind up and find itself in an area of one of the highest tax states in all areas in the nation. It appears to me that we are going fast right now in that direction; not only wherein it concerns incidentally with the general subsidy act, but wherein it concerns ourselves with the expansion of other programs.

I have been reminded by a younger colleague as of a few minutes ago that somewhere along the lines as the mileage accrues and the age accrues, that you tighten up and you say let's wait or let's study it. Well whether it is mileage or not I certainly say this, that it is very possible that if we would take some points off the general subsidy act and some points of this present proposal we might arrive somewhere along the line at a program that would at least not eventually see us into financial bankruptcy.

I say, however, that I know the eventual result of the vote that will be taken this morning. I do say, however, and I know that there are times that I have said it before, the idea of studying, and naturally being a former Chairman of the Legislative Research Committee and a present member of the Research Committee, I would naturally have a soft spot for that Committee, but that Committee has done some good. If there is a program that certainly deserves of a serious study to a point of number one priority for immediate decision, at a regular or at a special session if we are to have one, it is this program.

And I reiterate by saying that I think that the gentleman from Biddeford, Mr. Fecteau has pointed out the problem extremely well, and I repeat myself in saying that he should have his remarks reproduced or certainly we should look at the calendar carefully to really look over the remarks that this gentleman has made to us this morning.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I rise simply to recognize the fact that the gentleman from Lewiston has come nearer to my way of thinking this session than he ever did before. I think perhaps if he stays around long enough he will catch up with me.

I have long contended that you cannot correct all the evils of the local communities by throwing money at them from the State level and I think if we continue to try that we will arrive at the very level that the gentleman pictured in his previous remarks.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Yesterday I admitted I had a lousy day; I admitted I was stupid. I felt today as I was coming to Augusta that I was going to have a good day. The gentleman's agreeing with me, the gentleman from Perham, Mr. Bragdon's agreeing with me is going to make my day a perfect day.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: This measure has only recently appeared before this Legislature and on the basis of giving us a chance to compare the bloc grant formula with the present school subsidy formula which I think everybody feels is somewhat inequitable, I would hope that the House would extend the courtesy to the gentleman from Caribou, Mr. Snow and let him substitute the bill for the report to see if we

can't work something out on this.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I would agree with my good friend, Mr. Jalbert, that there may be some inequities in the present subsidy law, but this does not correct all of those inequities I can assure you. If we had fifty odd million dollars to put in any one of the formulas which have been proposed to this Legislature, it would look attractive, and this one would look attractive also.

Now frankly, this bill has been worked almost as many times as we were accused of reworking the school districting bill, and I would certainly hope that the bill would not be substituted for the report. I could agree with Mr. Rideout that this be committed to a study committee and be studied further. But at this time I do not think that we are ready or that this bill will answer the problems of the State of Maine.

So I hope you will not support the motion to substitute the Bill for the Report.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: When I came here as a freshman a few years ago, I introduced legislation which would take some of the inequities out of our present formula which is used to subsidize our towns and cities. I found the formula to be very harsh, very discriminatory, very inequitable. To this day every time I think of the formula used I feel very disturbed and very distressed and I am amazed that this legislative body over the years has allowed this formula to exist. There are not some inequities, there are many inequities in this formula. I stand as Representative of Old Orchard Beach to lose money by supporting the bloc grant concept. My conscience compels me to support it and I will support it when the vote is taken.

I introduced legislation and I failed a few years ago. Today I hope that the inequities that are existent will at least begin to be wiped away. Thank you.

The SPEAKER: The Chair recognizes the gentleman from West Paris, Mr. Immonen.

Mr. IMMONEN: Mr. Speaker and Members of the House: I suppose I am from one of the exceptional towns according to the report given out by the Maine Municipal on this bloc grant on a \$50 million adjusted fund. According to the figures for 1968 West Paris was receiving \$27,500. According to these adjusted, \$50 million adjusted fund we would be getting \$68,000. Now our property taxes in 1968 were \$112,000. Now \$68,000 would be quite a deal of money, it amounts to 55 or 60% of our commitment. So I see a danger sign on this even though I shouldn't be speaking against it this year.

But what will be on the next year? Supposing we have a town meeting and they want to adopt some of this money for other purposes and reduce our property tax rate. Alright, that is fine and good, we will be on the gravy train. Then next year they will adjust this fund and we did not make such a municipal effort, so we will be down on the average scale again and we will have to raise money the following year. Is my reasoning correct on that?

Then I say it is a danger sign, to be able to keep up with this fund we want to be spending more and more so we can bring more money from the State. I believe that Mr. Marstaller mentioned one of the other things that are inadequate about this bill, so I support the motion to postpone this bill.

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

Mr. FECTEAU: Mr. Speaker and Ladies and Gentlemen of the House: They say that we don't have any money. Let's wait another year and we will figure up another year. By that time what's going to happen? You say you don't have any money today. What if all the parochial schools failed

to meet their obligations? What is going to happen in two years from now, if you say you don't have any money right now? You are asking us to vote for taxes — still we are receiving only \$138,000. How can we go back to our people and say that we voted for some other taxes when we can't even bring him \$100,000? Why don't you accept this bill this morning so that Mr. Snow can present the amendment, that we can receive probably a little more and ease up the tension and be able to support our schools for another five or six years, maybe ten years? I say to you members it is time to realize where we are and think really down deep in your heart because it might be too bad in two years from now. We thank you.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Caribou, Mr. Snow that the House substitute the Bill for the Report. He further moves that when the vote is 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 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, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Snow that the House substitute Bill "An Act Establishing a State-Municipal Government Revenue Sharing Program," House Paper 1174, L. D. 1498, for the "Ought not to pass" Report. If you are in favor of substituting the bill for the Report you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Bedard, Benson, Berman, Bernier, Boudreau, Brennan, Brown, Burnham, Carey, Carrier, Carter, Casey, Chandler, Clark, C. H.; Clark, H. G.; Corson, Cote, Cottrell, Couture, Cox, Crommett, Crosby, Croteau,

Curran, D'Alfonso, Danton, Drigo-tas, Dyar, Eustis, Evans, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Harri-man, Haskell, Heselton, Hewes, Jalbert, Jutras, Kelleher, Kelley, K. F.; Keyte, Laberge, Lebel, Lee, Leibowitz, LePage, Levesque, Lew-in, Lund, Marquis, McKinnon, Mc-Nally, McTeague, Moreshead, Mor-gan, Nadeau, Norris, Ouellette, Payson, Porter, Richardson, H. L.; Ricker, Rocheleau, Ross, Santoro, Sheltra, Snow, Soulas, Starbird, Tanguay, Temple, Trask, Vincent, Watson, Waxman, Wheeler. Wil-liams, Wood.

NAY — Barnes, Binnette, Birt, Bourgoin, Bragdon, Buckley, Bun-ker, Chick, Curtis, Cushing, Dam, Dennett, Donaghy, Dudley, Durgin, E r i c k s o n, Farnham, Finemore, Foster, Gilbert, Hall, Hanson, Har-dy, Hawkens, Henley, Hichens, Hu-ber, Hunter, Immonen, Jameson, Johnston, Kelley, R. P.; Lawry, Lewis, Lincoln, MacPhail, Marstal-ler, Martin, Meisner, Millett, Mills, Mitchell, Mosher, Page, Pratt, Quimby, Richardson, G. A.; Ride-out, Scott, C. F.; Scott, G. W.; Shaw, Stillings, Susi, Thompson, Tyndale, White.

ABSENT — Coffey, Cummings, Emery, Good, Kilroy, Noyes, Rand, Sahagian, Wight.

Yes, 85; No, 56; Absent, 9.

The SPEAKER: Eighty-five hav-ing voted in the affirmative and fifty-six in the negative, the motion does prevail.

Thereupon, the Bill was given its two several readings and to-morrow assigned.

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

REPORT "A" reporting "Ought to pass"—Committee on Judiciary on Bill "An Act relating to Charit-able Organization's Immunity in Civil Actions" (H. P. 558) (L. D. 739) and REPORT "B" reporting "Ought not to pass"

Tabled—May 29, by Mr. Berman of Houlton.

Pending—Acceptance of either Report.

The SPEAKER: The Chair rec-ognizes the gentleman from Houl-ton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, may this item lie upon the table until tomorrow?

The SPEAKER: The gentleman from Houlton, Mr. Berman moves that item ten, L. D. 739, be tabled until the next legislative day pending the acceptance of either Report.

Whereupon, Mr. Richardson of Cumberland requested a division on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. If you are in favor of this matter being tabled until tomorrow you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken, 63 having voted in the affirmative and 57 having voted in the negative, the motion to table did prevail.

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

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 29, by Mr. Benson of Southwest Harbor.

Pending—Motion of Mr. Richardson of Cumberland to reconsider failure of passage to be engrossed as amended by House Amendment "B" as amended by House Amendment "A" thereto. (H. "B" - L. D. 1542) (H. "A" to H. "B" H-387)

On motion of Mr. Benson of Southwest Harbor, tabled pending motion of Mr. Richardson of Cumberland to reconsider and assigned for later in today's session.

The Chair laid before the House the twelfth 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 29, by Mr. Dyar of Strong.

Pending—Acceptance.

On motion of Mr. Foster of Mechanic Falls, retabled pending acceptance of Report and specially assigned for tomorrow.

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

Bill "An Act to Revise the Liquor Laws" (H. P. 1224) (L. D. 1556)

Tabled—June 3, by Mr. Hichens of Eliot.

Pending—Passage to be engrossed.

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

House Amendment "A" (H-436) was read by the Clerk and adopted.

Mr. Vincent of Portland then offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-440) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "B" and sent to the Senate.

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

Bill "An Act relating to Harness and Running Horse Races on Sunday" (H. P. 1069) (L. D. 1398)

Tabled—June 3, by Mr. Richardson of Cumberland.

Pending—Motion of Mr. Dudley of Enfield to reconsider receding and concurring. (Roll call ordered)

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

Mr. LePAGE: Mr. Speaker, Members of the House: I rise to concur—this was Mr. Rideout's bill and I rise to concur with Mr. Rideout for many reasons. First, Scarborough and my people would benefit tremendously from this legislation. We have but three small industries in Scarborough—fishing which is seasonal, a small shoe factory, and Snow's Canning Factory. Summer tourists mean a great deal to our economy. Second, the State would also come in for its share and Scarborough like the State is in a bind for additional revenue. Come fall we will have 75 to 100 more youngsters from

the St. Louis' Home coming into our school system. This means more classrooms, more teachers, more class books.

To the opponents of this bill may I remind you that stock car racing is allowed on Sundays at Scarborough, the outdoor theater is also opened on Sundays, but people do not use their motels and restaurants who go to the outdoor movies or the stock car races. And what about the tourists from out of state? Our scenery is beautiful, we all agree to that, but we also advertise Maine as vacationland. Why not put a little frosting on the cake so these people will come back year after year and we will all benefit and make a step for progress?

I hope that you will vote "no" on the reconsideration motion. Thank you.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I hope that we will be consistent this morning as of yesterday when we had the division and we voted for the reconsideration motion, and I hope we do the same this morning.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Hichens.

Mr. HICHENS: Mr. Speaker and Members of the House: In rebuttal to the statements made by the gentleman from Scarborough, a few weeks ago I made the statement that I had been approached by a lobbyist and asked what I felt about Sunday racing. I said I had no special reasons for objecting to Sunday racing as long as there was no gambling attached. This gentleman this morning has implied that Sunday racing was the same as stock car racing or the Sunday opening of the theatres, but there is no gambling involved in these other two operations. If they want to have their racing without gambling on Sundays let's go ahead and pass the bill. But as the reporter put in the paper, watching racing without gambling is about as exciting as watching wet paint dry.

Now I submit this morning that this is discriminatory legislation because it only applies to one race-track throughout the state. It would be the only track which would be open in New England on Sunday, which would bring added problems into the State of Maine. I have been told that it would bring extra monies and I was also told by one of the legislators the other day that he would vote for anything that would bring more money into the State of Maine.

I would not preach a sermon this morning, but I would quote from the Holy Bible that "the love of money is the root of all evil." If we want to keep continuing on in these evil things, which is a moral problem to me, let's continue to vote for gambling on Sundays.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps I am a little bit odd—I don't like to watch wet paint dry, but I do like to watch racing even though I don't bet.

Now it would seem to me that if it is the only track that is going to be open in New England, this is great. It means more money for us and I hope that we do it.

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

Mr. LAWRY: Mr. Speaker and Members of the House: When I first read L. D. 1398 I was under the impression that it was a bill to allow Sunday gambling. After hearing some of the debate it is apparent to me that I was mistaken.

It now seems that this is legislation to allow a group of generous unselfish gentlemen to provide a wholesome Sunday entertainment for the general public and at the same time would pour huge sums of money into the state coffers. However, as we currently protect any retailer with over 5,000 square feet from being so unselfish with their services on Sunday, it does seem that we should be at least as kind to the management of our running track. I hope that when the vote is taken we will show our

true compassion by going along with the reconsideration motion and give this permissive special interest piece of legislation the treatment that it sincerely deserves.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: In regard to gambling. Although I be a religious man and although I be a family man, I think I am also a realistic man. You cannot legislate gambling out of the picture and by voting against Sunday racing you are not voting gambling out of Sundays. I have seen gambling on football games coming over TV, I have seen gambling on baseball games coming over TV, on Sundays, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, and Saturdays. This bill will provide ten Sundays of racing at Scarborough Downs. I come from a community that is only a stone's throw away from Scarborough Downs. I don't know how it is going to affect my community; I have some reservations about it. But I don't think that voting against this bill will in any way save the gambling that is going on.

Insofar as Sunday racing not being existent in New England, I think that I am correct when I say that in Vermont they allow Sunday racing. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker and Members of the House: I personally would like to see this bill reconsidered. As a matter of fact I would like to amend it, so that the State of Maine wouldn't be giving one sixth of their taxes back for the repair and maintenance and operation of this track. So they get plenty of money; let them pay all their taxes.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I will be very brief as this bill has been fully debated, and I am not going to change any minds at this point. At least I hope I don't, for this bill passed last week.

This bill has been heavily lobbied against over the weekend, but the issues have not changed. We are talking about ten Sundays of racing at one track in Scarborough, Maine. The issues are twofold — State revenue and tourism. As to State revenue, it is estimated that the handle will be \$400,000 per Sunday. Ten Sundays would mean \$4 million of handle, which at 5 percent would return to the State \$200,000 a year or \$400,000 for the biennium.

This does not include any ancillary revenues such as sales tax and gas tax. Now to back me up let me quote briefly from a few letters that I got the other day. In Arizona their handle on Friday was 255,000; on Sunday it was 455,000. In Montana, let me quote from the letter: "The Sunday average mutual handle increase over the week-day handle at Great Falls was 39.9 percent and at Billings 37 percent. If it were not for Sunday racing in Montana some race meets would be unable to operate."

Puerto Rico, the Wednesday handle, \$479,000; Friday's handle, \$488,000; Sunday's handle, \$815,000. From New Mexico, "Our tracks could not operate profitably if we did not have Sunday racing. During the summer months, the tourist season, two tracks run concurrently, one located in the northern part of the state and the other in the southern part. Note the increase in handle on Saturdays and the added increase on Sundays. We believe the increase over Friday is credited to tourists and to local working people who can attend races on Saturday and Sunday but not on weekdays." Now the daily average handle was \$436,000, the Sunday handle average, \$681,000.

It goes without saying that an attraction like this will draw tourists into the State and would also provide another popular attraction for the visitors who are already here. I submit that there are two issues that are very important. Appropos of our numbers there are 104 bills on the Senate Appropriations table. This revenue can help. Vacationland for the tourist, this can help. Racing is legal in Maine, pari mutuel betting is legal in Maine. The only problem is Sunday racing. I ask you to stand firm

and vote no against the reconsideration motion.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: It was stated here this morning that if they give these ten Sundays it will generate more revenue for the State. This could possibly be true, but Scarborough Downs this year is going to have an added four weeks of racing which they never had before and this will certainly add to the revenue of the State, and I don't believe that we need this Sunday racing.

But I would like to ask this question. Is there any track in the United States that races seven days a week that has Sunday racing?

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

Mr. Kelleher of Bangor was granted permission to speak a third time.

Mr. KELLEHER: Mr. Speaker and Members of the House: I will answer my own question. There is not.

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

Mr. MEISNER: Mr. Speaker and Ladies and Gentlemen of the House: I don't feel that I can sit here without rising this morning in opposition to this bill that will allow racing on Sunday. I am not opposed to horse racing. I was brought up in the horse and buggy days and I know the thrill of sitting behind a good horse and tightening the reins and feeling him take the bits and get away. I love a horse; I would like to have one right now. I go to a race when the opportunity offers. I don't gamble. But I do believe that we should draw the line on our Sabbath Day.

Now Sunday, our Sabbath, is one of the oldest institutions in mankind. I think if you will study history, both religious and secular, you will find that there were certain things that took place in the history of nations down through the ages that caused them to decay. In the

history of the Jewish people great emphasis was put upon the Sabbath Day and in the Ten Commandments, the Fourth Commandment—"Remember the Sabbath Day, to keep it Holy," was the only Commandment that had the sign before it to remember. And the prophets of Israel told the people time and again if they wished to prosper they must remember the Sabbath; and when they failed they told them that the cause was really because they had neglected this day of rest and day of worship.

Now I am not going to belabor this point this morning. I cannot say anything further to you people to hear. You all believe in the things that make people great. Now historians tell us that we are in a bad way today—not only preachers but other people tell us that we must observe some of these fundamental principles which have made our Nation great.

I hope that you will go along to reconsider this motion.

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

Mr. D'ALFONSO: Mr. Speaker and Ladies and Gentlemen of the House: Let me state at the outset that I have the most tremendous respect for Reverend Meisner. However, it is a question of principle with me.

The tenor of the discussion against this legislation is obviously based upon religious grounds. I favor the legislation because I do not believe in legislating on what is a conscientious question. It would be just as consistent to legislate that people should go to church on Sunday, and if they did not appear, to send a truant officer after them, as to legislate as to what they shall or shall not do on Sunday upon religious or conscientious grounds.

There is a lack of distinction here between Sunday and the Sabbath. The Sabbath is a Hebrew Institution, and it has nothing to do with the first day of the week that we observe as Christians. The Ten Commandments have no reference to Sunday. Anybody who intends to follow the Ten Commandments in this respect should ally himself with the Seventh Day Adventists

or with the Jews. The day has never been changed. We cannot go into the theological aspect of this question, although it has been raised inferentially.

Now if we want people to do certain things which we think contribute to their citizenship, it is a cheap, evasive way to attempt to secure results by a method which is completely outworn and outgrown and exploded by experience. It cannot be done, and when the Church invokes the policeman to secure results which can only be secured by spiritual power, it has abdicated its place and revealed itself as in a state of moral decadence.

Why is it that people are no longer found in their accustomed places of worship on Sunday? Partly because religious organization has lost its spiritual power and has turned more and more to secular law and the police magistrate to secure its results.

Sunday was first legalized under the reign of Constantine the Great in the Fourth Century. The observance of that day was built up against the forces of paganism. The church in that day was able to get this day recognized against all law and against all custom. Today, they come into these legislative halls and ask legislative sanction as to how people shall spend their day of rest, so that it will not conflict with worship and at places which do not interfere with it. It is none of our business what people do on Sunday so long as they do not interfere with the rights of other people, and let me repeat this—it is none of our business what people do on Sunday so long as they do not interfere with the rights of other people. If we want the spirit that animated our forefathers, let us get it in the way that it was gotten in the first place. Puritanism failed, but puritanical laws remain like appendices on our statute books and are of no force or value whatsoever. I would that the Legislature might wash its hands of the whole business and cease to allow hypocritical legislation to remain on the statute books which purports to rule upon a private matter of private conscience.

Now you may think that this is my speech. This speech was delivered during the 86th Legislature by a Mr. Walker of Rockland in opposition to a bill that was being opposed to allow Sunday baseball. But I can assure you that the speech itself aligns itself with my thinking and my philosophy and because it does, and because I believe in it so wholeheartedly, I ask you not to reconsider this legislation.

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

Mr. MEISNER: Mr. Speaker and Members of the House: I could enter into a long debate with my friend over here, Representative D'Alfonso, but I am not going to do that. I am just going to answer one question where he wanted to know why people are turning away from the church on the Sabbath Day. I think I can answer that by saying that the Sabbath Day, or our Sunday, which is the Sabbath Day, has been taken over by so much pleasure, so many money-making propositions.

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

Mr. LePAGE: Mr. Speaker and Members of the House: I would like to remind the members of this House—and I am just repeating I guess what Mr. D'Alfonso has said—that Saturday is also the Jewish peoples' Sunday, and we have racing on Saturdays in Scarborough.

The SPEAKER: The pending question is the motion to reconsider whereby we receded and concurred. A roll call has been ordered. Is the House ready for the question? All in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Berman, Bernier, Birt, Bragdon, Buckley, Bunker, Carter, Chick, Cote, Cox, Crosby, Curran, Curtis, Dam, Donaghy, Durgin, Eustis, Farnham, Finemore, Fortier, A. J.; Foster, Fraser, Gauthier, Gilbert, Good, Hall, Hanson, Harri-man, Hawkens, Hichens, Immonen, Jameson, Kelleher, Laberge,

Lawry, Lebel, Lee, Lewin, Lincoln, Lund, Marsteller, McNally, Meisner, Millett, Mosher, Norris, Noyes, Page, Quimby, Richardson, G. A.; Rocheleau, Scott, G. W.; Shaw, Soulas, Starbird, Waxman, White, Wight, Wood.

NAY — Bedard, Benson, Binnette, Boudreau, Bourgoin, Brennan, Brown, Burnham, Carey, Carrier, Chandler, Clark, C. H.; Corson, Cottrell, Couture, Crommett, Croteau, Cushing, D'Alfonso, Danton, Dennett, Dudley, Dyar, Erickson, Evans, Faucher, Fecteau, Fortier, M.; Giroux, Haskell, Henley, Heselton, Hewes, Huber, Jalbert, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Leibowitz, LePage, Levesque, Lewis, MacPhail, Marquis, Martin, McKinnon, McTeague, Mills, Mitchell, Morgan, Nadeau, Ouellette, Payson, Porter, Pratt, Rand, Richardson, H. L.; Ricker, Rideout, Ross, Santoro, Scott, C. F.; Shetra, Stillings, Susi, Tanguay, Temple, Thompson, Tyndale, Vincent, Watson, Wheeler.

ABSENT — Casey, Clark, H. G.; Coffey, Cummings, Drigotas, Emery, Hardy, Hunter, Kilroy, Moreshead, Sahagian, Snow, Trask, Williams.

Yes, 62; No, 74; Absent, 14.

The **SPEAKER**: Sixty-two having voted in the affirmative and seventy-four having voted in the negative, the motion does not prevail.

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

Bill "An Act to Provide Mandatory Penalties for Commission of a Crime with a Firearm" (H. P. 1031) (L. D. 1361)

Tabled — June 3, by Mr. Richardson of Cumberland.

Pending — Motion of Mr. Carter of Winslow to reconsider receding and concurring.

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

Mr. **CARTER**: Mr. Speaker and Ladies and Gentlemen of the House: I made the motion to reconsider on L. D. 1361 as a courtesy to the opponents who wanted to come forward and have

an opportunity to prepare an amendment. I have seen the amendment and to me it adds nothing to the bill in the form of a deterrent, and I would hope that you would vote against my motion.

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

Mr. **LUND**: Mr. Speaker and Members of the House: I appreciate very much the courtesy of the gentleman from Winslow, Mr. Carter, in using the reconsideration motion as an opportunity to discuss the amendment which I have drawn and which is before you under filing number H-442, because if the reconsideration does prevail, as I hope it will, there will be some rather complicated procedural steps, and I think that the reconsideration motion is a convenient point at which to evaluate, if the House wishes to, the merits of the amendment which I will be offering under H-442.

This bill relative to mandatory penalties for the commission of crime while carrying a dangerous weapon or a firearm is before the House this session because of the interest both for and against gun control legislation, and I would like to point out that I was opposed to the gun control legislation which was before this body. Many of the people who spoke in opposition to it spoke in favor of mandatory penalties for the commission of crime while carrying a gun. And to put it very succinctly, the amendment which I will be offering takes away the mandatory feature and will provide an available penalty of an additional six years which the court may sentence the defendant to if he committed a felony while carrying a firearm.

It is very easy in the heat of passion and enthusiasm for and against gun control problems to talk about mandatory sentencing. But having served in a prosecutor's role for some years, I would like to indicate to you from my experience that mandatory penalties rarely carry out the objectives that are sought to be carried out and they do cause a great deal of mischief to the courts and the

parties on both sides because of the difficulties that they pose. As any attorney who has represented defendants in criminal cases or any prosecutor will tell you, it is possible to avoid the effect of a mandatory penalty in many ways.

For instance, if there are mandatory penalties for the offense of breaking, entering and larceny — mandatory if the person carried a gun — and if the court had before it a defendant who broke into a building and carried a gun, and if the court and the prosecutor were in agreement that a mandatory state prison sentence were not the right way to deal with this problem, all it would be necessary to do would be to allow the defendant to plead guilty to the offense of trespass, which is a misdemeanor, and you could avoid the problem.

But the wrong part about that is that the person didn't commit a trespass, he committed breaking, entering and larceny, and that is the offense he should plead guilty to and he should be sentenced for. But if we start to write mandatory penalties in, then we will necessarily be compelling the courts to go through the kind of sham that I just indicated to you.

It isn't possible to decide what a minimum penalty shall be fairly from this viewpoint in the Legislature. I can assure you that there are cases and there will be cases in which any one of you upon looking at the case would agree that a mandatory penalty would not be appropriate even under the amendment which waters down the effect of this bill. Let me give you just one illustration.

In defining a firearm they include — and I will use the words in the amendment — “an instrument that has the appearance of a firearm even though not capable of discharging a projectile”. There are offenses sometimes that are committed with a toy gun and there may be occasions when a sentence for carrying a weapon will be appropriate, but I am sure that we can all visualize an offense that would be committed while a person was carrying an imitation or a toy weapon in

which we would all agree that a mandatory sentence to state prison is not really what should happen.

So I would hope that this House would take a long look at the question of mandatory penalties and decide for itself whether the cause of deterrence and the cause of justice would not be better served by providing an additional available six years — now six years is a long time in the Maine State Prison, by providing an available additional six years that the court could sentence a defendant to if he committed a felony while carrying a firearm.

Therefore I hope that the House will vote to allow reconsideration of this bill so that my amendment H-442 can be presented for your consideration.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I cannot add to what Mr. Lund, the gentleman from Augusta, has told you. I can only say that I agree with him wholeheartedly in his entire approach to this question of mandatory penalties because quite frankly, quite simply, they just don't work.

Now you will recall that several months ago we defeated by I believe a unanimous vote among the Republican members of the House a bill which would have placed what we viewed as an unwarranted restriction on the right of a law-abiding citizen to keep and bear arms and to use firearms for lawful purposes.

At the time we took this action we indicated that we would support legislation which would make the act of carrying a firearm itself during the commission of a felony a separate offense, allowing the imposition of additional sentence, because time after time the crime that starts out to be just breaking, entering and larceny turns out to be assault with a deadly weapon when the felon is apprehended. And this is the kind of firearms control legislation, the kind of action that I think we should be taking. It is the kind of law that is in effect in other nations where it has

led to the kind of law-abiding use of firearms that I think we as legislators should support.

Mandatory penalties don't work. I support the gentleman from Augusta, Mr. Lund. I think he is hitting on all eight cylinders on this one, and I hope that the House will go along and permit reconsideration in order that the amendment may be adopted.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to read a copy of a letter from Robert R. Raines, Director of the Bureau of Corrections in Maine. This was sent to the Judiciary Committee, and briefly it states: "Gentlemen: Because I was out of town the day this bill was heard I was unable to oppose its passage. I would like to present my views concerning this L. D. We in the Bureau of Corrections and all the wardens and superintendents of our correctional institutions in the State of Maine oppose mandatory sentencing. We favor the moral sentencing act since all offenders have definite behavioral patterns, psychological attitudes and personalities, with different types of circumstances surrounding their crimes. Therefore, cases need to be reviewed individually but no set mandatory time is going to cure individual problems. In fact we would like to recommend that eventually all sentences have a maximum limit but with no minimum so that the primary functions of a parole board system can operate and be beneficial to the individual offender."

And I think it is very very significant that the people who are the experts in the field, the people who are running our institutions, the people who deal with these matters every day are very much opposed to this mandatory concept. Furthermore, I think it is an insult to every judge in the State of Maine to tie his hands with mandatory sentencing. I hope you support the motion of Mr. Lund for reconsideration.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I rise to compliment the gentleman from Augusta, Mr. Lund, for an excellent amendment and I shall support it because I think that this amendment will do what it should do and allow the judges to use their discretion, and when a person does use a firearm, he may impose an additional penalty. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I haven't been around these halls long enough to know an advance shot when I hear it. And I want to serve notice now on those on the Judiciary who consider the word mandatory a bad word, that when a certain piece of legislation hits the floor of this House without the words "mandatory" on the second shot, that I will go along with it, but then I will go to the people. And I think the members of the Judiciary know exactly what I am talking about.

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

Mr. CARTER: Mr. Speaker and Members of the House: I rise with some trepidation. I tried to compromise previously on this piece of legislation. I tried once to table it, to offer an amendment that would remove the mandatory feature from the first offense and leave it to the discretion of the courts. However, I was cut down by these same gentlemen. I made the same approach before the bill was reported out of committee. In the Senate, Senator Moore offered an amendment—

The SPEAKER: The Chair would remind the gentleman about influencing the members of the House relative to action taken in the upper body.

Mr. CARTER: This gentleman in the other body introduced an amendment, Senate Amendment "A" which has Senate Filing 194, which took most of the objectionable features out of this bill,

namely, the feature of dangerous weapons, and substituted throughout the entire bill the word "fire-arm" and returned to the original penalties for each crime that is listed in the bill.

Now I had considered some legislation in the nature that my good friend Mr. Lund is proposing. However, I started thinking, and again not being a lawyer—sometimes a layman's thinking is not too good, but anyway I thought that perhaps I might find myself lost in the woods some day and if the temperature is on its way down, and lo and behold there is a camp in front of me with a padlock on it, and here in my hands I have the weapon to get into this camp. All I have to do is shoot the padlock off and I will live comfortably for the rest of my life. However, this is a felony under the terms of the law and I should end up in jail like any other felon for attempting to save my life.

Now I had not intended to debate this bill at any length this morning, but due to the response I am getting I think I had better. I did not introduce this piece of legislation on a motion. I have done quite a bit of research on it, and if you will bear with me, I will try to tell you my points.

I introduced it because I felt that this type of legislation is the only method that will effectively serve as a deterrent to a grave problem that affects every law-abiding citizen of this state. This grave problem, as we are all aware, is the continued rise of crime being committed by persistent criminals who use guns. I don't sincerely believe that registration or any other type of restriction other than mandatory terms will actually curtail the soaring crime rate. Registration in any form would, in my opinion, only prove to be a burden on the law-abiding citizens. The law violator will not bother to register his weapons. He will go on using them as he always has. Registration of guns would also mean a central filing system, and the thought of a central filing system of all weapons to me is really abhorring.

If the corner of this country was ever overrun by its enemies all the

guns could be confiscated in a very short order. And if by chance this should ever happen, God forbid it, the citizens would be left to fight back with pitchforks or sticks, such as recently occurred in Hungary and Czechoslovakia. The mere thought of this possibility is simply scaring me to death, especially when one remembers that our Constitution states very clearly "The right of the people to keep and bear arms shall not be infringed."

I don't believe that the criminal would submit to any form of registration law at all, no matter how stringent it may be. If a criminal wants a gun to commit a crime, he will always find one; if not by legal purchase, he can steal one or he could easily make one or he could buy one at the five and ten cent store that looks just exactly like a real gun. That is why I feel that the only way to get to the real source of the problem is to serve notice here and now to the criminal element by enacting this legislation, that they will be punished according to the severity of the crime committed, and on conviction there will be no suspension of sentence or probation allowed.

I recall reading last January where a Soviet citizen got hold of a gun and attempted to shoot Premier Kosygin. I don't believe that there is any country in the world with more restrictive gun laws than Russia. To me this only serves to substantiate the fact that the person intent on committing a crime with a gun will always manage to find one. I also believe that once a person has committed a crime of a serious nature with a dangerous weapon or a gun, he will not hesitate to do the same thing over and over again. This is probably because he knows that under our penal code he can always have his sentence reduced on good behavior.

Consider the following statistics if you will. They were obtained from a recent FBI Law Enforcement Bulletin. In 1967, 76 police officers were killed in the line of duty in this country. This is 19 more than the number slain in 1966. Since 1960, 411 law enforcement officers have been murdered. This is an average of more than

51 per year. And of the 539 offenders involved in these killings, 77% had been previously arrested and 67% had been previously convicted. Two thirds of the police killers convicted had previously been granted parole or probation, and three out of ten were actively on parole or probation when they killed the police officer.

You have many more statistics in the "Crime Capsule Summary of the 1966 Uniform Crime Report of the Federal Bureau of Investigation," which I had reproduced and distributed in the House recently. There are some very interesting facts in that manual, especially on the statistics on murder by types of weapons used in 1966, murder by hand gun, 44%; murder by rifle, 7%; murder by shotgun, 9%, and so on. I don't intend to bore you with the varied statistics contained in this crime report. It is available to anyone in the library.

Now if you will turn to the top of page 7, line 2, of L. D. 1361, which my good friend Jon Lund has referred to and other members have, you will note that the definition of a dangerous weapon or a gun has been expanded to include "any other instrument that has the appearance of a firearm even though not capable of discharging a projectile." This was borrowed from the British law which some of you may be familiar with. And the reason I feel that this should be included is because it is very difficult for many law enforcement officers, let alone the average citizen, to be able to distinguish between a real gun or some of the exact replicas that are now on the market in the five and ten cent stores.

I didn't have the statistics to substantiate the fact that Great Britain, which has a stringent mandatory law, has very few crimes committed with guns, but I have them now, and they were distributed to you two days ago and they are also quite revealing. For example, "Death by Firearms in the United States," taken out of the 1969 Americana Manual, has a little over five person per 100,000 population, whereas in Great Britain it is less than half a person per 100,000 population where

they have a very stringent gun control law. Apparently it is so effective that the bobbies don't even carry guns on their beats. I have read through their law and came to the conclusion, however, that it could not work in Maine or anywhere else in this country for that matter other than perhaps within a sprawling metropolitan area where there is no wild game or hunting is not permitted. As some of you no doubt know, hunting in Britain is only for the select few, and according to their law, use of a BB gun, and I repeat, a BB gun in violation carries a mandatory prison term.

I would also like to call your attention to the fact that this is not pioneering legislation by no means. The federal government enacted a mandatory prison term — this was also distributed to you — in 1968 under Public Law 90-618, 90th Congress, on October 22, 1968. And in 1968, six states, Alaska, California, Georgia, Pennsylvania, Rhode Island, and Vermont enacted legislation providing a much stiffer penalty for the use or carrying of a firearm in the commission of a crime.

In 1969 so far, bills providing for some kind of stiffer penalties for the use of a firearm in the commission of a crime have been introduced in Arizona, Arkansas, California, Colorado, Connecticut, Florida, Idaho, Illinois, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Mexico, New York, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington and Wisconsin. Some states like Rhode Island carry a very stiff prison term. On a third offense, for example, it is ten years to life imprisonment.

I submit that L. D. 1361, calling for stiffer penalties, with no suspension or probation for the commission of a crime with a gun, will get to the real root of the problem. I also believe that it will serve as a strong deterrent and prove to be a good preventive type of medicine against the soaring crime rate.

Mr. Speaker, I would ask that when the vote is taken it be taken by the yeas and nays, and I hope

that you will vote against the motion to reconsider.

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

Mr. BERMAN: Mr. Speaker, Members of the House: Because of the hour I will try to be very brief. I think the gentleman from Augusta, Mr. Lund has made a very very fine presentation. If we would go along with Mr. Carter's philosophy and incorporate mandatory sentences, we are just going to make a sham of the law. What Mr. Lund is proposing makes very good sense. He is proposing that if a crime is committed with the use of a firearm the judge has the right to impose a sentence to the Maine State Prison at hard labor for a term up to six years.

Now regardless of whatever feelings there may be in this chamber about one particular committee of this Legislature, we are very definitely concerned with the effective administration of justice, and the effective administration of justice I suggest to this House very strongly is along the lines that Mr. Lund has proposed and very much against the lines that Mr. Carter has proposed.

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

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: I support the position of Mr. Carter. I approve of the bill in its present form with the amendment that was added in the Senate. I feel that using a gun in the commission of a crime is a very very serious matter. This is not just a mere speeding or minor offense, it is something serious, and I think the requirement of mandatory sentence will take the pressure off the judge in opposing a jail sentence and I respectfully suggest that you vote against the motion to reconsider.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I only want to rise briefly to support Mr. Carter and I am grieved to find one attorney supporting him on it. I feel that in spite of the fact that

possibly some judges and prosecuting attorneys and defense attorneys feel that we might have a parody of the law by getting around these things; nevertheless I feel this is good legislation, it is a deterrent. I think that we have got to promulgate some laws which are going to make a gun in the hands of a criminal so hot that he won't want to even carry it in his clothes in an asbestos pocket and I feel that that is about the only way it can be done.

Now regardless of the feeling of some attorneys and judges on this subject, the people themselves, our constituency, are demanding stronger sentences. Now I feel that, and I think a lot of us feel, that a good many sentences are too light and it's too easy for them to get off after a year or two. There are too many groups that are saying, well the poor boy didn't know what he was doing. If he is going to go and buy a gun, whether he paid \$2.50 at a junk store or whether he buys a \$75 one or whether he uses a target pistol, he certainly knows that it is a dangerous weapon. If he uses a toy pistol and holds up someone to obtain whether it is \$3 or \$300 he knows that he is using a weapon which is considered dangerous by his victim and I think that the country is getting stirred up at the number of crimes committed with the use of a firearm, and I think it is ridiculous for so many of us to fall back on the idea that we should leave it entirely up to the judges. I would think the judges would want some legislation to back them up. I think I would if I was a judge.

I certainly support Mr. Carter on his objection to reconsideration.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: Just briefly I would like to also support Mr. Carter. The people of this State are getting to the point now where it has become a sort of an ironic joke when someone is convicted of a crime and then you read shortly afterward where he was put on a suspended sentence

or something of this sort. I think it is time that we served notice on the criminals that suspended sentences are beginning to be on their way out. I believe this will be a deterrent.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: As a member of the Judiciary Committee I was originally against this bill because of the mandatory sentence aspect of it. I am, however, very much in favor of Mr. Lund's amendment this morning and I feel that Mr. Lund's amendment gets to the heart of the matter and solves the problem which we are confronted with today with our criminals who insist on carrying guns.

I do not think that any measure such as what Mr. Carter suggests, which would tie the hands of the courts and make the courts treat each individual's case in a general manner rather than on the merits of the particular case, is good legislation. I feel that each case that comes before the court should be entitled to the good judgment of our judges and not subjected to general legislation passed by the Legislature.

So I feel that Mr. Lund's amendment is a very good amendment and will solve the problem which we are confronted with in this area.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: In view of the debate this morning and the action to be taken by this House on the motion to reconsider the bill, I think we have got to place—and I repeat we have got to place the responsibility that we assign to the judges, to the people in our correctional institutes, that we hope that in all sincerity they will carry out their various responsibilities to make sure that the laws are enforced and protect the everyday lives of our citizens.

I don't think that the mandatory sentencing of all the offenses committed by criminals with firearms

deserve to get the same treatment because there are different implications at the law courts and the judges and the people in the institutions that are primarily coping with these on a daily basis recommend that the action of a six-year or seven-year additional sentence that the judge can use discretion. It is probably just a question mark as to whether the six or seven additional years is the right number of years. But at least this gives the judges, the people that we have placed in the position that they are, to render justice to the people of our State. They will use this discretionary power and give the due justice to these people that are actually criminals and put them away where they belong.

Mr. Carter of Winslow was granted permission to speak a third time.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I did not introduce this piece of legislation to question the integrity or the actions of any law court or any law enforcement official. I introduced it as I have stated previously for other reasons. One of which has come to me, which really disturbs me, is happening pretty often in this state. It seems as though that the criminal element they are using young people, and telling them that you go in, you lead the way with the gun, you have no record, you are a clean-cut boy, we'll get you off, but go ahead and lead the way. And I submit that this type of legislation would prevent this. It is good legislation and I hope that you will stand fast and vote against the motion to reconsider.

Also I would like to mention that eight out of ten people on the street are in favor of this type of legislation. I have had no letters against this type of legislation but I have had a slew of them in favor of it. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter to reconsider whereby we receded and concurred. He further moves that when the vote is 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 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, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter to reconsider whereby the House receded and concurred on Bill "An Act to Provide Mandatory Penalties for Commission of a Crime with a Firearm," House Paper 1031, L. D. 1361. If you are in favor of reconsidering you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Berman, Bernier, Birt, Boudreau, Bragdon, Brennan, Brown, Buckley, Bunker, Burnham, Carrier, Casey, Chandler, Chirk, Clark, C. H.; Corson, Cottrell, Cox, Croteau, Curran, Curtis, Cushing, D'Alfonso, Danton, Dennett, Donaghy, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Fortier, A. J.; Foster, Frasier, Gilbert, Good, Hall, Hardy, Harriman, Haskell, Hawkins, Heselton, Hichens, Huber, Immonen, Jameson, Johnston, Kelleher, Levesque, Lewin, Lund, Marstaller, Martin, McKinnon, McTeague, Millett, Mills, Mitchell, Moreshead, Morgan, Norris, Page, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Rocheleau, Scott, G. W.; Shaw, Susi, Temple, Trask, Tyndale, Vincent, Watson, Waxman, White, Wood.

NAY—Bedard, Binnette, Bourgoin, Carey, Carter, Clark, H. G.; Cote, Couture, Crommett, Crosby, Dam, Drigotas, Eustis, Faucher, Fecteau, Fortier, M.; Gauthier, Giroux, Hanson, Henley, Hewes, Hunter, Jalbert, Jutras, Kelley, R. P.; Keyte, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Lewis, Lincoln, MacPhail, Marquis, McNally, Meisner, Mosher, Nadeau, Noyes, Ouellette, Payson, Richardson, G. A.; Ricker, Ross, Scott, C. F.; Sheltra, Snow, Star-

bird, Stillings, Tanguay, Thompson, Wheeler, Wight, Williams.

ABSENT — Coffey, Cummings, Dudley, Emery, Kelley, K. F.; Kilroy, Sahagian, Santoro, Soulas. Yes, 85; No, 56; Absent, 9.

The SPEAKER: Eighty-five having voted in the affirmative and fifty-six in the negative, the motion to reconsider does prevail.

The pending question is to recede and concur.

Whereupon, on motion of Mr. Lund of Augusta, the House voted to recede.

Senate Amendment "A" (S-194) was read by the Clerk.

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

Mr. LUND: Mr. Speaker, I move the indefinite postponement of Senate Amendment "A".

The SPEAKER: The gentleman from Augusta, Mr. Lund moves the indefinite postponement of Senate Amendment "A".

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

Mr. HEWES: Mr. Speaker and Members of the House: I am in favor of what is classified as Senate Amendment "A", S-194. This in my opinion takes some of the harshness out of the original bill, L. D. 1361. It permits a judge latitude in the amount of the jail sentence that he imposes on an individual, but it insists that he does impose a jail sentence be it one day or in some cases up to perhaps ten years. He can use his discretion and it seems to me that this amendment is a worthwhile amendment and I oppose the motion for indefinite postponement.

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

A vote of the House was taken. 65 voted in the affirmative and 70 voted in the negative.

Whereupon, Mr. Richardson of Cumberland requested that the vote be taken by the yeas and nays.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson requests that the vote be taken by the yeas and nays.

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

Mr. RICHARDSON: Mr. Speaker, may I debate the pending question?

The SPEAKER: The Chair would advise the gentleman that if the roll call is ordered he may debate the question.

For the Chair to order a roll call 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, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Lund that Senate Amendment "A" be indefinitely postponed.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I misunderstood the gentleman from Cape Elizabeth, Mr. Hewes when he referred to the Senate Amendment, which I have under filing number S-194, as providing for discretion on the imposition of these sentences. For example, I am looking at subsection 2 of the amendment that refers to the crime of abduction of a woman while armed with a firearm and it says that "The imposition or execution of a sentence for a violation of this section shall not be suspended and probation shall not be granted." I think that either I am looking at the wrong amendment or I don't understand the correct one. But as I read that we are right back in the same pot talking about mandatory penalties.

I want to make it crystal clear. I think the way to cure the problem that we have is to impose penalties on those who commit felonies while they are carrying firearms, and I am all in favor of

that aspect in the gentleman from Winslow, Mr. Carter's legislation. Where I separate, and I understood the House's vote of a moment ago to be along the same line, we are saying that we will vest those judicial officers and members of the court with the responsibility for the enforcement of this law. And it is for this reason that I hope on the motion to indefinitely postpone, which will now be by a roll call, that the House would vote yes and be consistent with its action of the earlier vote.

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

Mr. HEWES: Mr. Speaker and Members of the House: In answer to the question of the gentleman from Cumberland, Mr. Richardson, if you will look down — except for that first section he referred to — if you will look down in the subsequent paragraphs he will see that the — for example the second paragraph, "less than ten" is excluded from the amendment: the next paragraph, "less than two" — that is two years; the next one "less than two years." So I submit that in most cases anyway there is not a minimum jail sentence.

Now with reference to the abduction of women while armed with a firearm, does the gentleman from Cumberland mean to tell me that he feels that a person who, as stated here, a man if armed with a firearm takes a woman unlawfully and against her will and by force, menace or duress, compels her to marry him or any other person or to be defiled, he feels that such a person should not receive a jail sentence? I submit that they should.

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

Mr. LUND: Mr. Speaker and Members of the House: It is relatively easy to conjure up disagreeable circumstances and to become emotional about what ought to be the consequences of them. Perhaps I made a procedural mistake in not explaining exactly what had to transpire. I debated the adoption of my amendment and my impression was that the House appeared

in favor of it. If my amendment is to be adopted, the amendment which gives an available additional six years, then Senate Amendment "A" would have to be indefinitely postponed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: In not an entirely facetious vein, I would like to remind the House that this amendment with which the gentleman from Cape Elizabeth is so enamored apparently refers to the shotgun wedding situation in which the victim is the woman. Perhaps he would sponsor an amendment that would include men who are the victims of shotgun weddings.

I think that the whole concept of mandatory penalties is very frankly all wet and that is all I am trying to get across to you.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: Very briefly, to reiterate, nearly every expert in the field is against the concept of mandatory sentencing. I think for the House to be inconsistent they should vote to indefinitely postpone this amendment.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I hope you will go along with my friend from Cumberland, Mr. Richardson, on this matter. The example which my very good colleague from Cape Elizabeth has conjured up I suggest is really quite an extreme situation. And in that situation, frankly, if Mr. Lund's amendment were adopted, I would say that that man should have his head examined and I am perfectly willing to give him six years in State's Prison for that examination.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Just for the record, I want to serve notice again on the trial lawyers that they are not going to ram down

any opposition to mandatory sentences after the second shot. I just want to get that in the record for future reference.

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

Mr. CARTER: Mr. Speaker and Ladies and Gentlemen of the House: I should like to for a moment just read the law, Public Law 90 passed by the 89th Congress in October 1968, which is the Federal gun law, which states in part. "Whoever uses a firearm to commit any felony which may be prosecuted in the courts of the United States or carries any firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States shall be sentenced to a term of imprisonment for not less than one year nor more than ten years, and in case of a second or subsequent conviction under this section such person shall be sentenced to a term of imprisonment for not less than five years nor more than twenty-five years and notwithstanding any other provisions of the law the court shall not suspend the sentences of such person or give him a probationary sentence."

Now I don't believe that we are pioneering in any legislation and I don't believe that the entire Congress is wrong in voting this type of legislation through. I think we should follow suit.

The SPEAKER: The pending question is the indefinite postponement of Senate Amendment "A". A roll call has been ordered. All in favor of the indefinite postponement of Senate Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Bedard, Benson, Berman, Bernier, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Brown, Buckley, Bunker, Burnham, Carrier, Casey, Chandler, Chick, Clark, C. H.; Corson, Cote, Cox, Croteau, Curran, Curtis, Cushing, D'Alfonso, Danton, Dennett, Donaghy, Durgin, Dyar, Erickson, Eustis, Evans, Farnham, Fecteau, Finemore, Fortier, A. J.; Foster, Gauthier, Gilbert, Good, Hall, Hanson, Hardy, Harri-

man, Haskell, Hawkens, Heselton, Hiehens, Huber, Hunter, Immonen, Jameson, Johnston, Lebel, LePage, Levesque, Lewin, Lund, Marstaller, Martin, McKinnon, McTeague, Meisner, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Norris, Page, Porter, Pratt, Rand, Richardson, H. L.; Rideout, Sahagian, Shaw, Snow, Susi, Temple, Trask, Tyndale, Vincent, Watson, Waxman, White, Wood.

NAY—Barnes, Binnette, Carey, Carter, Clark, H. G.; Cottrell, Couture, Crommett, Crosby, Dam, Drigotas, Faucher, Fortier, M.; Fraser, Giroux, Hewes, Jalbert, Jutras, Kelleher, Kelley, R. P.; Keyte, Laberge, Lawry, Lee, Leibowitz, Lewis, Lincoln, MacPhail, Marquis, McNally, Nadeau, Noyes, Ouellete, Payson, Quimby, Richardson, G. A.; Ricker, Rocheleau, Ross, Scott, C. F.; Scott, G. W.; Sheltra, Starbird, Stillings, Tanguay, Thompson, Wheeler, Wight, Williams.

ABSENT — Coffey, Cummings, Dudley, Emery, Henley, Kelley, K. F.; Kilroy, Santoro, Soulas.

Yes, 92; No, 49; Absent, 9.

The SPEAKER: Ninety-two having voted in the affirmative and forty-nine in the negative, the indefinite postponement of Senate Amendment "A" does prevail.

Mr. Lund of Augusta then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-442) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

On motion of Mr. Bragdon of Perham, the House reconsidered its action of earlier in the day whereby it passed to be enacted An Act to Authorize General Fund Bond Issue in Amount of Fifty Million Dollars for Planning, Construction and Equipment of Pollution Abatement Facilities, Senate Paper 343, L. D. 1209.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action on May 29 whereby the Bill was passed to be engrossed

as amended by Committee Amendment "A".

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

House Amendment "A" (H-460) was read by the Clerk.

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

Mr. BERMAN: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Perham, Mr. Bragdon. What is the purpose of this amendment?

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

Mr. BRAGDON: Mr. Speaker, in explanation to the gentleman from Houlton, Mr. Berman, the Committee Amendment to this bond issue specified as being—the number is S-190, if anyone wishes to refer to it, it specifies that the bond issue be submitted to the people on November 4, 1969. In the bill now before us, in the last paragraph, it refers to the Secretary of State sending out papers referring to the election in '70. This correction was called to my attention by the Secretary of State's office. Is that sufficient explanation?

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

On motion of Mr. Martin of Eagle Lake, the House reconsidered its action of earlier in the day whereby it passed to be engrossed Bill "An Act to Make Allocations from the Department of Inland Fisheries and Game Receipts for the Fiscal Years Ending June 30, 1970 and June 30, 1971," Senate Paper 478, L. D. 1557.

On further motion of the same gentleman, tabled pending passage to be engrossed and specially assigned for tomorrow.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Recessed until three o'clock in the afternoon.

After Recess
3:00 P.M.

The House was called to order by the Speaker.

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

MAJORITY REPORT (7) — "Ought not to pass" — Committee on Judiciary on Bill "An Act relating to Period of Real Estate Mortgage Foreclosure" (H. P. 555) (L. D. 736) and MINORITY REPORT (3) reporting "Ought to pass" as amended by Committee Amendment "A" H-388.

Tabled — June 3, by Mr. Benson of Southwest Harbor.

Pending — Motion of Mr. Birt of East Millinocket to reconsider acceptance of Majority Report.

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

Mr. BENSON: Mr. Speaker and Members of the House: When this was discussed the other day, the House looked somewhat the same as it does right now. In the final analysis, the vote was just slightly over a hundred. The bill was lost by four votes and for that reason I asked that it be held and reconsidered. I hope that a few of the people out in the corridors straggle in before we vote on it this time.

I would like to reiterate a few of the things that I said the other day and I will keep it brief. First of all, any person who really wishes to refinance their mortgage, and if they are able to do so, can do so in the six-month period that we are talking about. During the long one-year period, properties run down, the owner pays nothing on them, the property cannot be resold, and the situation just stagnates. These are some of the problems with the present twelve-month foreclosure.

Of major consideration is the fact that Maine banks are unable

to sell Maine mortgages. No one wants them with the one-year foreclosure handicap. Thus while Maine financial institutions can purchase out-of-state mortgages when they have extra funds, they never can sell Maine mortgages when they are short of funds. These are just some of the reasons.

Now the bill in its present form—we have accepted the "Ought not to pass" Report. What I would like to do is reconsider our action whereby we accepted the "Ought not to pass" Report, accept the "Ought to pass" Report, and the bill will then be in a position for an amendment, and the amendment would exempt the farming community from this bill. And the amendment I have prepared reads like this in part, "Except that in the case of a mortgage covering real estate containing ten acres or more, used principally for agricultural purposes, said period shall be one year." So the farming community is going to be taken care of. This has been over the years the major objection to shortening the foreclosure period.

I ask you to reconsider whereby we accepted the "Ought not to pass" Report and we will then be in a position to accept the "Ought to pass" Report, amend this bill, and take another good look at it. I think that this is going to help considerably in loosening up some of the bank money which is so very very tight now, and I would ask you to vote with me in this case.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I shall try to be quite objective about this. I am not a member of the board of directors of a financial institution like my good friend from Southwest Harbor, so I don't have anything personal on this bill one way or the other. But it never ceases to happen that in the closing weeks of the legislative session, some interests seek to work their will in spite of adverse majority reports of committees which have heard the evidence, considered the evidence and passed upon the evidence.

Now I don't think that we should really reconsider this this afternoon. I have been reading in some of the newspapers lately and going back in some of the newspapers of the last few years, I read that the Americans are up to their neck in credit. Americans are on a borrowing binge that adds up to almost half a trillion, not a million, but half a trillion dollars a year. To be specific, and I really don't know the mathematics of this, but it is \$491,700,000,000. Now that adds up to almost a half a trillion dollars a year.

We are trying to hold the line here, and we are trying to sail safely through some pretty dangerous economic waters. Now 106 members of this House last Friday saw that this unhappy bill would give more advantages to lending institutions and would create hardships on conscientious mortgagors who struggle to pay their mortgages, when because of some special circumstances, which my good friend from Westbrook, Mr. Carrier, spoke of, they find themselves jeopardized in keeping their homes and their life savings which were tied up in equities in their mortgages.

My good friend, the gentleman from Westbrook, Mr. Carrier, also pointed out that lending institutions have advantages that the mortgagor doesn't have. They can distribute the risk, the mortgagor can distribute nothing.

I don't think this House should wish to feed the fires of inflation by shortening the period of redemption under our foreclosure laws which already favors the lending institutions. And if the good gentleman from Southwest Harbor is concerned about property deteriorating during the year, during which the equity of redemption runs, I would call his attention to the Maine Revised Statutes Annotated which sets out very very clearly that the lending institution doesn't have to wait a year before they take possession of the property. Once there has been a breach of the mortgage conditions, they can step in and take steps to obtain possession right away.

So I don't think that this really should work any hardships as far

as deterioration of property goes. I think we should be more concerned to keep high the quality of protection to the consumers and the little people of this state who often find credit too easy and debt too hard. Therefore, I hope that the House will not reconsider lowering the protection presently afforded those who must borrow money, and when the vote is taken I request a division.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Not being a member of a board of directors of any lending institution, and not subscribing to the proposition that the way to accurately describe a bill is to refer to it in somewhat overcharged tones as being unhappy or the result of a special interest gripe, I think it might be helpful to look at this bill and see what it does.

As a member of the Judiciary Committee in the 102nd Maine Legislature, I voted against the shortening of the foreclosure period. I did so because in my judgment we didn't make any adequate provision within that proposal to give the farmer who has to depend on a successful growing season an opportunity to have that successful growing season in order to bail himself out of financial distress that sometimes occurs. And I think that the farming interests and the farming communities in this state have a very real interest in having a good fair chance to redeem property.

The amendment that my friend and I, as you all know, and I mean that sincerely, that my friend Mr. Benson suggested to you would make it possible to make Maine mortgages more marketable while at the same time protecting the legitimate interests of the agricultural community. I think this is the real question. To imply some sinister corporate motive behind this bill is just to ignore the realities. One of our problems in Maine, a problem that is recognized by everyone who looks at the facts, is that we have an insufficient number of new housing stocks, that we don't have enough Maine capital being invested in Maine

mortgages, and this is one of the reasons we have the housing problems that we have today for Maine people.

Mr. Benson has made what I characterize as a perfectly reasonable request, to borrow the sort of phrase that my friend from Houlton would use, a perfectly reasonable request that you permit the bill to have its two readings today so that he can put the amendment on at third reader and give the bill an opportunity to be heard. And I for one at that time am going to change my opposition to this. I think it is a reasonable solution to a very difficult problem and I hope that the House will see fit to accept the good faith effort being made by Mr. Benson to present an amendment that is designed to solve the problem.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am not going to speak as a lawyer, I am going to speak on the other side. I have probably handled a great number of mortgages myself on farms, on dwelling houses, that used to be my business, but in late years I don't know whether it is through stupidity or smartness, I got away from them at a time when I should, and I have found I have only foreclosed on 1.4 percent of my mortgages in all the period of years I handled them. And I found that it didn't do any hurt to give them a year and I believe that any man whether it is a farm or whether it is a dwelling house, no matter what it is, or a business, he should have at least one year and I hope they go against this bill.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I admit that the amendment suggested is a good one wherein it will protect the farmers, because the farmers are involved in a seasonal business so to say. But I think that we should also take into consideration the fisherman who is also in the seasonal business. We should take into consideration the shoe worker who is involved in a seasonal industry. We should take

into consideration the summer recreational businessman who is also in the seasonal business.

Now if Mr. Benson is willing to include all these, I think that probably the bill might be a little more palatable.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: Earlier in the session I was working on a bill to introduce which would have taken the money in the land reserve for public use investments which as of June 30, 1968, amounted to \$2,496,000, that is presently invested in stocks and bonds paying from 2½ to 4 percent, have these bonds transferred and sold and these proceeds placed in county banks to be used for home mortgages.

At a meeting in the State Treasurer's office, there were several representatives of the banks here in the state, and they said that the money wasn't needed. So right now I am really confused. We have a bill in here saying we can't get mortgage money and yet they didn't want two and a half million dollars.

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

Mr. BENSON: Mr. Speaker and Members of the House: If I were to amend the bill to the extent that the gentleman from Old Orchard, Mr. Danton, suggests, all I would have left is the paperclip.

Now it might be interesting to review once again what is being done in other states. Practically all other states have a period of even less than six months. About 25 states have no foreclosure period at all other than a two or three week notice under power of sale. About 10 more use a period of six months or less and there are only about 11 states having a period as long as a year, and all of those but two are west of the Mississippi.

Every New England state except Maine has the period of six months or less, and New Hampshire, Connecticut and Massachusetts have only short notice provisions under a power of sale. That is what they are doing around us, ladies and

gentlemen, and I think that this is a move in the right direction on the handling of our foreclosure period. And I once again would encourage you to vote for reconsideration.

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

Mr. SHELTRA: Mr. Speaker and Members of the House: After World War II, our real estate office in Biddeford, we did some appraisal work for the Veteran's Administration on repossessions and actually the end result was that we found that in the majority of instances if some of these families were to destroy the properties, they destroyed them upon immediate ownership of these properties. If they were the kind of people that didn't care for their properties, this is when the damage was done. We have found that those who were good housekeepers, irregardless of the foreclosure procedures, that their homes were maintained in good order. So therefore I can't go along with this motion at all to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Jefferson, Mr. Clark.

Mr. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a very important bill. I can remember that this has been around many sessions of the Maine Legislature and the chief contention has been that the farmer wasn't properly protected, especially the farmer in Aroostook County, which I grant is correct. But now with this amendment that has been offered to take care of his problems, I feel very strongly that it is high time that such legislation was passed. Money rates are high and a bank can tie up a lot of money for an extra six months period, and in that instance why you are taking your money away from the next man that comes along that might want to borrow. And furthermore, all of the federal agencies look askance at this law here in Maine. They would prefer to put their money in a state like Florida which has thirty days, I believe, or some of these other states that have been mentioned. And I very

definitely want to go along in favor of this bill as amended.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Some of us on the Committee realize what has happened in these other states and we know what the situation is here in Maine. Now I have made a study of quite a few of the states and I am sorry to tell you that Maine is the only state that I know of in the entire union of fifty states that when the mortgage is foreclosed, the equity of redemption expires, the poor fellow not only loses his home but he loses whatever equity he has in it. The financial institutions in this state are not required to account for any equity that exists. Now I have always thought that that was very cruel and very harsh and very unfair.

Now frankly I would be willing to be reasonable if the proponents of this type of legislation want to put on an amendment for the six-months period and also put on an amendment that the financial institution that forecloses on your home, if there is any equity left it should go to you and not to the financial institution. That only seems fair to me.

Now I was just reading in the paper today about the interest rates, and frankly, they are frightening. I will just read one sentence. "Mortgage rates are rocketing to a minimum of 9½ to 11½ percent and rates on small loans are climbing all over the place." Now if this is what you want to do to the little people of Maine, so be it, but I think you are making a mistake. If you want to lower it to six months and then make the financial institutions account for any equity which may exist in the property once they obtain their total possession and total ownership, I am willing to go along because that way the little fellow is protected. Otherwise I don't think it is fair.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker and Ladies and Gentlemen of the

House: I didn't intend to have anything to say on this subject matter today, and I am not going to make a pitch or a speech; I am going to make two observations. I didn't have to go beyond the borders of the state to put myself in a position to make these observations. I could stay in my office in my little town and make the observations. I can give you two illustrations where this law of twelve months has done so much more harm, not necessarily to loan institutions, but to individuals, to inhabitants.

I have in mind the case of a young couple who had bought a home, in fact they bought a double tenement and they didn't have any money of their own in there. It was one of those 5% deals and I don't think they even had 5% and they had it for a year, two years. They decided to call it quits and they immediately got a divorce and got remarried and neither one was interested in the home and of course they discontinued payment on — there was a bank involved in this case, discontinued payments on it. They didn't have a thing to lose, not a thing in the world did they have to lose.

So the bank was in the position where that they would have to foreclose of course and wait a year. Consequently there were two very fine apartments that remained unoccupied at a time in my town when rents were at a premium. But nothing could be done about it, they waited the year and that wasn't to any advantage to the bank, the buyer who took it up had to pay the back interest on it and all the banks didn't profit anything on it. They didn't make any money on it. It was just a hardship and it affected adversely the individuals and not the bank in this particular case.

I have another illustration that I sat in my office and observations made. I represented a man that had a substantial mortgage on a very popular street, Sabbatus Street in Lewiston, to the extent of \$15,000. He took the mortgage and loaned it to an automobile dealer, \$15,000. The automobile dealer eventually went under, he didn't pay anything on it for two

years, he went under, went in bankruptcy, the trustee in bankruptcy found out there wasn't equity enough in the property so that they disclaimed to it, but there were subsequent liens on it.

So this man, having waited two years from the date he foreclosed, he had to wait another year, and there was a shortage of potential building lots and there was a building contractor in Lewiston that was pounding on his door half the time trying to figure out some way or some means in which he couldn't get hold of a title whereby the property could be conveyed and they would start a building development.

Now there are two little illustrations where it worked a hardship on people that the three months in this case would have been sufficient, six months in all cases. I have never seen in my life a case that if you couldn't refinance in six months, I have never known it to be refinanced any later than that.

When this law was passed most of your loans were by individuals and a person might have to do a lot of struggling to get someone to refinance it — not now. If one finance institution has started a foreclosure, it isn't a big problem to go, if you paid up on it and get it refinanced perhaps through some other federal agency or some other competitive bank.

So those two observations are enough to convince me, and I think if you compare them with others in all the little towns and in the cities of the State of Maine, it ought to be enough in itself to convince you that it is the people involved and the people being harmed and it isn't the bank that is making any money on reducing this foreclosure period.

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

Mr. CARRIER: Mr. Speaker and Members of the House: A few days ago we debated this bill and the House voted to accept the "Ought not to pass" Report. Today I hope you are consistent and you vote the same way.

I am very impressed by the last statement of Mr. Foster due to

the fact that he does convey the message that I intended to convey, or that I tried to convey last week, and that is the concern for the individual. The individual can get hurt and he does get hurt and he will get hurt much more on a shorter foreclosure period.

The fact remains that the bank is at an all advantage when it comes for the buyer to get a mortgage. We can assume that if a fellow did not pay his mortgage within the redemption period of twelve months, but on the other hand that he has devoted his lifetime paying on the mortgage for a period of let's say twelve years on a fifteen year mortgage, then I don't think that he should be foreclosed on for trying to save some of his equity.

I sympathize with the intention of the amendment that is to be presented to help the farmers. But I also claim that the rest of us that do have to get mortgages, we are faced, not with the same problems, but we could also be faced with a terrible loss of income due to sickness for a prolonged period of time. I think that the people should be given an equal chance if they are for some reason or another, and I am talking about the conscientious buyer, that he should be given the same chance as all the others because I think we are all faced with problems whether it is a farming problem or whether it is a sickness problem or any other kind of problem that takes care of all our reserves.

I would concur with Mr. Berman, and I have always been of this opinion, and this is a fact which maybe some of you don't know but probably you all do, that under the power of sale, assuming that I pay on my house for ten years and the market value is \$10,000 and if I have paid for ten years on a fifteen year mortgage, I might owe two or three thousand dollars, well under the power of sale and after foreclosure proceedings and possession, the loaning institution finds themself with title and he can sell, although you only owe two or three thousand dollars, it is my understanding

that he can sell this house for \$5,000, \$6,000, \$7,000 or \$8,000 and pocket the difference between what you owe them and what is actually recovered from the property.

I don't think that this is fair. Most of the time maybe — and another approach to this is that if you owe the bank \$5,000 and the property is still worth 8 or \$10,000, they will make no force whatsoever to sell the property for any more than they have in it, thereby excluding and sometime any second mortgages held by any individual. And I don't think that is fair too. I think this is showing great preference to the loaning institution. I think they do deserve some consideration but I don't think they deserve it at the expense of the buyer.

As far as refinancing goes, it was said or made it sound so, that it is very easy to refinance your house if they foreclose. Well I don't believe that and I know this from experience, not on my own, but through dealing in real estate, that actually if a bank forecloses on you and you try to go somewhere else and refinance it, maybe somebody will be sympathetic and let you have the money but as a rule they will not. It is just as bad as if you have a premium owed on your car insurance and you don't pay it and the agent cancels, you turn around and try to get an insurance policy somewhere else. You will eventually, but it is a real hardship.

I truly feel that the mortgage period of twelve months is a reasonable one and as far as money from out of state goes, coming in and all that stuff, I will only say this from observation that I don't think that there is any problem in getting mortgage money as far as the selling of real estate. I think one bank might refuse, two banks might refuse, but I think within a circle of fifty miles or thirty miles, that you can place a good mortgage with a good buyer.

If the money is so tight or is so scarce, I think, and I don't recall just what L. D. we have here, but we have a L. D. in here and I am not sure if it is 1360 or not, but

we have a L. D. in here which the savings bank will ask us to give them the authority to invest hundreds of thousands of dollars in building multi-apartment houses around the state if they wish to. Now in other words, they would take the mortgage on something that they owned themselves. This I don't object to, but it seems to me that if they are so tight for money, that the money is so tight to get on mortgages, that they surely will not get a higher rate of interest from their own properties then they would lending it out to individuals, and it is a known fact in the banking business as well as any other business that you don't put all your eggs in the same basket and you spread them out. So therefore and for many other reasons, I strongly object to the cutting down of the foreclosure period and I hope you will vote against the reconsideration motion.

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

Mr. SAHAGIAN: Mr. Speaker, I move for the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. For the Chair to entertain the motion for the previous question you will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

A sufficient number having voted, the previous question was entertained.

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

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The main question is on the reconsideration of the acceptance of the Majority Report "Ought not to pass" on Bill "An Act relating to Period of Real Estate Mortgage Foreclosure," House Paper 555, L. D. 736. 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.

55 having voted in the affirmative and 75 having voted in the negative, the motion to reconsider did not prevail.

Mrs. White of Guilford was granted unanimous consent to address the House.

Mrs. WHITE: Mr. Speaker and Members of the House: I beg your tolerance while I speak to you briefly concerning Enactor, item 3 on Page 5 of your calendar, "An Act Providing for Bond Issue in the Amount of Thirty Million Dollars to Reconstruct Route 6," which was passed this morning.

As many of you know I am and have been for a considerable period of time very much interested in the reconstruction of Route 6. I feel that the money provided by a bond issue and used on this road would be money well invested and would bring a good return to this state. I feel that a good east-west highway following Route 6 would aid the economy not only of the area it crosses — in Washington, Penobscot, Piscataquis and Somerset Counties — but also it would aid the economy of the whole State of Maine.

But I would be less than honest if I indicated that I am wholly in agreement with the present bill. If you are at all familiar with the area involved in the bill and the area which I represent, you are aware that this bill would bypass Monson, Greenville, the Moosehead Lake area, and the Squaw Mountain Ski Slope area. They are directly on Route 6 and they hope, of course, that any reconstruction would go through Greenville.

I feel that the Moosehead Lake area is an important part of the State of Maine and deserves consideration. As their Representative, I shall continue to work for the routing of this construction through Monson and the Greenville area, and in view of the fact that the bond issue will not go before the electorate until next year in November I am hopeful that within that time we may find a satisfactory resolution to our differences. Thank you.

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

SENATE REPORT — Committee on Labor on Bill "An Act Providing Notice or Severance Pay by Employers" (S. P. 156) (L. D. 474) reporting "Ought to pass" as amended by Committee Amendment "A" S-184. (In Senate, Report accepted and Bill passed to be engrossed as amended by Committee Amendment "A").

Tabled — June 3, by Mr. Farnham of Hampden.

Pending — Acceptance in concurrence.

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

Mr. **DURGIN**: Mr. Speaker and Ladies and Gentlemen of the House: The Labor Committee reported this bill out originally on March 11, 1969. That was so long ago I hardly remember it. The report was 8 to 2 "Ought not to pass". Subsequently this bill was returned to the Committee on Labor and came out with a unanimous report "Ought to pass" as amended.

Now I have in my hand here a report from the Attorney General's office stating that the amendment is unconstitutional. The last paragraph says: "We conclude that the classification of employers and employees as set forth in the amendment is both artificial and discriminatory and therefore violative of the due process clause of both the State and Federal Constitution."

I therefore move indefinite postponement of this bill and all its accompanying papers.

The **SPEAKER**: The gentleman from Raymond, Mr. Durgin, moves that both the report and bill be indefinitely postponed. The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. **McTEAGUE**: Mr. Speaker and Members of the House: One of the unique things about a freshman's first term here is he soon learns that the official opinions of the non-legislative bodies seem to play a very large role in our deliberations. There is nothing wrong with this as long as we have time to consider them before we make the decision.

I can think of a few instances when large employers are treated in different ways than small employers. For example, later on this afternoon on our calendar, we will have a bill that considers Workmen's Compensation. We have an exemption there for employers under a certain size where we require coverage when they are over a certain size. I was not aware this concept had ever been considered unconstitutional. But because I, and I think the other members of the Labor Committee that worked hard to come up with a compromise and something that would protect the people that were in this situation, have labored long and hard on it and because we would like an opportunity to be able to look into it again, I hope that some member will table this bill for one day.

Whereupon, on motion of Mr. Levesque of Madawaska, retabled pending the motion of Mr. Durgin of Raymond that it be indefinitely postponed and specially assigned for tomorrow.

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

SENATE REPORT — "Ought not to pass" — Committee on Judiciary on Bill "An Act relating to Control of Riots" (S. P. 141) (L. D. 423) (In Senate, Bill substituted for the Report and passed to be engrossed)

Tabled — June 3, by Mr. Levesque of Madawaska.

Pending — Motion of Mr. Berman of Houlton to accept Report in non-concurrence.

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

Mr. **BERMAN**: Mr. Speaker and Members of the House: The committee which heard this bill heard no evidence that would justify such a far-sweeping and restrictive piece of legislation. It was the same committee which heard the registration of firearms bill and that bill also received a unanimous "Ought not to pass" Report.

Now somewhere in this riot control bill there is something with regard to firearms which I think should be brought to the attention

of this House and if you want to go for this riot control bill, you will do it with your eyes wide open. On page 2 of the bill it says, among other things: "without limiting the scope of the same, said orders, rules and regulations may provide for the control of traffic including public and private transportation; designation of the specific areas in which the occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated; control of places of amusement and assembly and of persons on public streets and thoroughfares, establishment of a curfew; control of the sale, transportation and use of alcoholic beverages, liquors and malt liquors; control of the possession, sale, carrying and use of firearms, other dangerous weapons and ammunition," etc., etc., etc.

Now we on the committee unanimately felt that the State didn't need this type of restrictive legislation, so I hope you will go along with the unanimous "Ought not to pass" Report of the Committee.

Thereupon, the "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

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

Mr. BINNETTE: Mr. Speaker, does the House have in its possession House Paper 1185, L. D. 1506?

The SPEAKER: The answer is in the affirmative, Bill "An Act Revising the Motor Vehicle Dealer Registration Law."

Mr. BINNETTE: Mr. Speaker, I would like to suspend the rules in order to put in an amendment.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves that the House reconsider its action on yesterday whereby this Bill was passed to be engrossed as amended by House Amendment "A".

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

Mr. HEWES: Mr. Speaker, a parliamentary inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. HEWES: I assure that the purpose of the move to reconsider is to submit Amendment H-456 and I question if that is germane to the—

The SPEAKER: The Chair would advise the gentleman that his question is not in order. The pending question is reconsideration. Is it the pleasure of the House to reconsider its action of yesterday whereby this bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence? It's a vote.

Whereupon, Mr. Binnette of Old Town offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-456) was read by the Clerk.

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

Mr. RIDEOUT: Mr. Speaker, I question the germaneness of this amendment and ask for the Chair to rule.

The SPEAKER: The gentleman from Manchester, Mr. Rideout questions the germaneness of the amendment, and the Chair would rule that the amendment is not germane and will cite House Rule 32 and Joint Rule 21 as its authority, and the Chair trusts that the House will sustain the ruling of the Chair. Is this the pleasure of the House? It's a vote.

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

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

Majority Report (6) — "Ought not to pass" — Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys for Vocational and Technical Institute in Waterville" (S. P. 83) (L. D. 280) and MINORITY REPORT (4) reporting same in a new draft (S. P. 477) (L. D. 1554) under title of "An Act Appropriating Moneys for a State Vocational and Technical Institute in Waterville" and that it "Ought to pass" (In Senate, Minority Report accepted)

Tabled — June 3, by Mr. Birt of East Milinocket.

Pending — Motion of Mr. Carey of Waterville to accept Minority Report in concurrence.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: This bill that we have before us today is another approach to vocational and technical education. And to review some of the programs that we presently have under consideration and development in the state, we first would want to look to the present vocational and technical schools at the post-secondary level, of which presently there are five in the state, are authorized for in various stages of development and expansion, and one in Washington County in which the funds have been operated and presently is not in operation. It is in the initial stages of development and hopes to be in operation next year.

These programs are all in the process of development and none have reached the point of fulfillment that we would like to expect that they will in the future. They are in the process of growth as far as construction is concerned and also as far as development of programs.

Six years ago we ventured into another area of vocational education at the secondary level with the passage of a bill that I remember quite well, of L. D. 44, to set up regional and vocational institutes. This program has moved along and there are several of these programs in the state that are at the present time operating. The best information that I can find, none of them are operating at the same scope as what the original intent of the bill is. And I would like to review for one area in the budget document the growth of the cost of these programs and this is just operational costs and does not enter into the area of construction.

In the 1967-68 year we spent \$59,000 for the operation of these schools. In '68-69 it went up to \$242,000. '69-70 the sum of \$527,000 has been authorized and '70-71 is \$981,525. This has been modified just very slightly in the L. D. that

came out, the Current Services budget, but these were the original recommendations. This program calls for 90% of the cost of education at the post-secondary level, 66 2/3% at the secondary level and the State is obligated to pay 75% of the cost for the building on construction.

Today we have another and third approach being considered. Now this is a completely new approach and when the bill was heard before the Committee it merited a good deal of interest. The Committee took a long look at it. There was a good deal of interest in it. There was no serious opposition to it outside of the possible conflict that it might have with present vocational-technical programs that are already being developed that are still not up to the area that we would like to have them.

The original bill called for \$250,000 each year to set up a program for vocational-technical education for people beyond their eighteenth birthday. Since that time the bill has been modified slightly and there is a Minority Report which is presently the action that is before you which reduces this down to \$95,000 each year of the biennium, \$98,000 to be exactly accurate, to put this on a trial basis for two or three years. This program could be operated, from my understanding in talking with the people in the Department of Education, under the vocational and area program and without this program under this L. D. 1554.

I do fear we are going in too many directions in vocational education. I am certainly probably as sympathetic and understanding of them as any member of this House, having come out of a family that has always been involved in this area of making a livelihood, but I do not believe that at this time with the problems that we have in financing and the availability of money and the programs that are presently being considered that are not up to full development that we want to go into this area at this time.

It would be my hope that the Minority Report is not accepted and then the Majority Report of the Appropriations Committee can be accepted.

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

Mr. CAREY: Mr. Speaker, there was an error by the gentleman, Mr. Birt, from East Millinocket. It is not \$98,000 per year of the biennium. It is a total sum of \$98,000. This is what the price tag on this bill is and originally, he is correct, it was \$500,000. Now the \$98,000 is total cost and would be reduced by tuition charges. This is a new concept in vocational education and we want to use it with existing facilities and at off-hour times in the public school system and through the summer months.

As Mr. Birt of East Millinocket said, vocational schools are costly and this morning L. D. 404 which was before us had an amount of \$5,430,000 to bond for four vocational schools. There is an amendment which would reduce this to \$224,000. At this time this type of cut is welcome money-wise but the point is that before we are forced to go into this large or larger bond issue for vocational schools we could have this commuter school in Waterville using existing facilities, programmed; and before the 105th Legislature we could evaluate this new concept which could spread over the state at greatly reduced cost to the State than at present.

Now even if the \$224,000 which the amendment in L. D. 404 would have us spend, many costly items are either existing or unneeded for the progressive step we hopefully will be taking in Waterville.

I have some communications. Mr. Birt did mention the Department of Education. I have a letter on the 28th of April which was sent to Senator Joe Sewall and in there I will read some parts of it. It said the Waterville School Department will operate the program for the State Department of Education, employing all the instructional personnel, maintaining equipment and so forth. The Department of Education will set fees comparable to those charged at our other vocational technical institutes, and this tuition money will be turned over to the General Fund of the State.

And such a program should be experimental for approximately

two years of operation, and future funding requests should be based on a thorough evaluation of the program. The State Board of Education endorsed this proposal at its regular meeting on the 25th of April of this year.

I have a communication from Robert O. Brown who is Director of Industrial Relations at Keyes Fibre Company and in it he says, "We further expect the machine dye demand to continue as additional production equipment is acquired both here and abroad and the demand for specialized dye equipment falls directly upon our machine shops since their technical know-how and specialized machinery is able to provide this type of service most economically." Now Keyes Fibre is willing to make its modern dye shop available to us, and we can also use their foundry.

When you go home this weekend if you will check around with the industries in your location, ask if they have a shortage of blacksmiths. Now not the guy that shoes horses. Industrial plants still use a great number of blacksmiths, surprisingly enough, and there is a tremendous shortage of these people especially in the paper industry.

I would certainly urge your support of the Minority Report and when the vote is taken I ask for a roll call.

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

Mr. MacPHAIL: Mr. Speaker and Members of the House: This type of school proposed here must not be confused with the four Vocational-Technical Institutes now in operation and the fifth one about to be. As has been stated these are using existing buildings and teaching courses similar to what are taught in the other vocational institutes, which is a type of education I am sure we should largely embark upon in this state.

And I would hope that the Minority Report might be accepted in this case.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise only

to say a few brief words in support of this bill. While this is in Kennebec County and not in my own county of Somerset, this would have a tremendous impact on the economy of Somerset County. This would allow people from as far north in my county as Jackman, which is very close to the Canadian border, to commute to the City of Waterville and use these facilities. As it is now, these people cannot afford to go to any regional school in the state and commute each day; neither can they afford to go to another city and live there while they are learning a trade.

Now I have talked to several of the industries in my county and we have many small ones—we have no large ones—and they feel that this would be a great help, not only to training people for their industry, but for the fact that if this were offered in this area it might induce some other industry to come into the area. Also I have talked to the Board of Directors of SAD 54 which is a District in my area of the public schools. This encompasses six towns and they feel this would be a good system to add onto the educational system. This would give a lot of people a chance to go and learn a trade. Right now in my area we have absolutely nothing in this line to offer to the people.

So I do hope you will support this bill.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Corson.

Mr. CORSON: Mr. Speaker and Ladies and Gentlemen of the House: I should like to join my colleague from Skowhegan, the gentleman, Mr. Dam, in supporting his bill. It of course would be a great asset to my area, and in particular the operation of the school in the late afternoon and evening hours would permit a student to hold down a job in the morning thus enabling him to go to school, which otherwise financially he would not be able to, and I urge you to support this bill.

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

Mr. FORTIER: Mr. Speaker, Ladies and Gentlemen of the

House: I want to concur with my colleague from Waterville, Mr. Carey, in support of this bill. I also want to thank Mr. Birt for developing a very good analysis of the problem. I appreciate his doubts but let me tell you that if you spend \$90,000 in Waterville we will make it a success. We very seldom fail.

We have in the area within eighteen miles of Waterville four degree granting institutions, but we have no institution of this nature. This is not only an area problem but it is a chance for you members of the Legislature to solve a state-wide problem. This is a bright, new concept in education. We have spoken of this concept many times. I have seen editorials and articles by educators all over the country saying that if we could use our facilities more than we presently do that the cost of education would go down significantly.

We have another problem in Waterville and that is retraining. We have some very dynamic industries in Waterville, including the one across the river in Winslow, Scott Paper Company, Keyes Fibre Company, the chicken processing companies, the textile industry. These are all dynamic and live industries in Waterville that employ people year round. At the present time there is no way for the industries in the area to retrain their people and when I said that Waterville would make this a success I was thinking of this particular aspect, and I want to assure Mr. Birt that we have enough people in our industries in Waterville needing retraining so that we could probably make up a couple of classrooms in just that area.

Our high school vocational program admittedly, as Mr. Birt has mentioned, is getting off to a slow start, but I guarantee you that that will be accepted very shortly.

I would like to read a letter from the Commissioner of Education on this problem and the subject is Utilization of Public Education Facilities. "At a time when educational costs are soaring we hear a great deal about using our public school facilities for more than a five to six hour day. Actually there

are many communities in Maine which do operate programs for adults throughout the school year. Bangor is a shining example of a school system which utilizes its resources to the limit of its ability. Bangor runs a regular high school program for adults who want a high school diploma. It operates a basic program for adults who have not reached the educational level to handle high school level programs.

"In its man power development and training program it has programs to upgrade man power skills, train mentally retarded teenagers and adults and numerous other skill programs. Two of our vocational technical institutes operate extensive evening programs. Central Maine Vocational Technical Institute serves just under 400 day students and over 1200 adults in the evenings throughout the year. Southern Maine serves less than 600 day students and about 1200 adults in the evening programs. In other words more qualified students can be served if operational money"—operational money, and this is what we are asking for, mind you—he says "operational money, not capital expenditure money, and this we have to call to your attention. We have a plant that is either worth or will be worth shortly in the vicinity of \$2 million which would be half wasted if half the time that it could be used were not used.

"Your proposed legislation to utilize the Waterville High School vocational facilities for an evening program can serve as an experimental model to guide our thinking in the years ahead. We shall always have a need of residential facilities for our widely scattered rural population, but our urban citizens can be served in existing plants. We have the imagination to work out programs compatible with the regular daytime operation of these schools."

And let me say in concluding that this is my third term in the Legislature and it took a freshman Senator to realize the potential of this legislation, and I am sorry I didn't think of it earlier.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I signed the Minority Report "Ought to pass" on this measure and if I would not rise wherein it concerns vocational education I would feel as if I were a traitor. I don't think this measure is the answer to all. I will have to admit it is a new step in another direction. But by the same token I cannot just sit here, as one who co-sponsored the very first measure for vocational education in South Portland and then went on to our own program, then from there to Presque Isle and Bangor, and I also must be mindful of the fact that I did get the one hundred percent support at all times from the delegates then of the area of the City of Waterville; and for that and the reason that I feel very strongly wherein it concerns vocational education, I would support this measure as presented.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of this House: I have always been a great believer of this vocational training because we have many of our youth who cannot through financial help go to college for four years and they are left, as one might say, by the wayside. In this case, this is an exception. We are fortunate we do not have to have a new building. They have an existing building from what I understand, which is very capable of handling all the adults that would really want to carry on that course or any of the youth that would be working in some shops that would improve their training. I think this is a wonderful suggestion that they have come up with, and if I am correct in my understanding I believe this is a trial for the next two years to see how it is going to work out. If it does work out to good advantage, it is going to be a great saving to the state and it is going to be an opportunity for many of our youth to get a trade, something which they will need later on in life, and I heartily support it.

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

Mr. LUND: Mr. Speaker and Members of the House: Each session brings a number of difficult problems and this has been a difficult one for me. It would have been very easy and very comfortable for me to support this measure, but I did not. I was one of the Majority "Ought not to pass" signers on the Committee on Appropriations and Financial Affairs. It was difficult for me to do this, not only because of the very persuasive and persistent efforts of the sponsor in getting support for his bill, but more importantly for the many friends that I have in the Waterville area, many whom I noticed here in the gallery earlier today, and also because formerly I represented the Waterville area in the other body.

But I joined in the majority of the committee in opposing this, not because it would not be a very nice feature for Waterville, but because the majority of the committee felt that this did not represent a wise step for us, taking the overall view of our efforts in the area of vocational training.

We already have a number of problems within our existing vocational school setup as operated by the state. Many of the programs came under close scrutiny of our committee because of the small attendance in some of the schools and some of the courses have been closed out because of small attendance. But this measure would change very radically the approach of our existing vocational-technical high schools, these high schools which are heavily subsidized by the state.

As I have indicated this would undoubtedly be a handy dandy solution for the City of Waterville and I find it difficult not to support it. But we have in the State of Maine 23 — we have authorized 23 of these regional-vocational-technical high schools and if we go for this project here, which is described as a new concept but which I would rather describe as Pandora's Box, I see no reason why we should not authorize an identical project in every one of the 23 similar high schools many of which are in areas all over the state.

Now if the state is ready to undertake a massive financial commitment such as would be entailed here, fine, let's go with it. But if we are going to do this for one area, at least I want to make sure that the members of this House are fully aware that this will represent, from the viewpoint of the existing vocational-technical setup, a breach in the dike which will cause us very serious problems in implementing these programs in the future. And I regret I cannot go along with my very good friends from the northern part of the county and north of Waterville, but I feel at this time this would be an unwise expenditure of state funds.

It has been pointed out that originally this measure had a much larger price tag tied to it and that it of course is reduced now. Many of us have had occasion earlier to point out programs, which once they begin are very very difficult indeed to stop. And I just want this House to know that if we do take this step — and it undoubtedly would be a fine feature for Waterville High School, but if we do take the step, I see no logical way for barring the same step all over the state.

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

Mr. FARNHAM: Mr. Speaker and Members of this House: I join to endorse the motion of my colleague from Waterville, Mr. Carey, in supporting the Minority Report. I do this with no reluctance and I would caution you that the dike that the Representative from Augusta, Mr. Lund speaks about is one that should have been breached years ago. We have always concentrated on educating those boys and girls who are potential college material. We have neglected the young men and the young women who do become our industrial plant workers and supply the skills that keep the Maine economy alive.

It is true this proposal does embark on a new concept, but it is a concept that should have been adopted possibly prior to the adoption of the regional vocational school idea, because in almost every one of our major cities we

do have fairly extensive workshops in our high school buildings. These could be used in late afternoon and certainly in the evenings for further expansion of this industrial type training.

Furthermore, I did make a call to my colleagues in the personnel departments of the various industries in Waterville, and they are one hundred percent behind this, because we in industry are having a very very difficult time finding the skills we need — skilled machinists, electricians, welders, blacksmiths, pipefitters, and whatnot. We are not training them anywhere in Maine. So I hope that all of you will go along with the motion of the gentlemen from Waterville, Mr. Carey and accept the Minority Report.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I had not planned to speak on this subject but I am very firmly convinced that in the State of Maine we should not be afraid to experiment educationally. Rather than viewing this as possibly a breach in a dike, it seems to me that we might possibly be climbing out of a rut.

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

Mr. BENSON: Mr. Speaker and Members of the House: I would like to address myself to several comments that have been made, one by the gentleman from Waterville, Mr. Carey. He mentioned the cost. I find that both he and the gentleman from East Millinocket, Mr. Birt are right, the cost is a one-year figure, \$98,000 and that is the figure that is in the bill. So they are both right.

This is a new concept. We are starting off on a new voyage in vocational education. It is one that a majority of the Appropriations Committee felt that we could not afford. I think that this is kind of the cream on the vocational pie if you would. I would remind you that the present vocational-technical institutes are not full, there is ample room for additional students in each of these institutions, and to set up a new concept in voca-

tional education at this time, I feel, is something we just plain cannot afford.

I would remind you that the adult program might be severely cut back or completely eliminated if grades 13 and 14 are placed in this particular regional school. I don't know what starting such a new program might do to the present vocational technical institutes which I say are presently not full.

We have in the last few days been talking tax talk. Some of us are walking around making noises like conservatives. We have been reluctant to accept the proposals set forth in the Part II Budget of the Appropriations Committee. This is an additional expenditure, and once again I think one that would be very nice if we could afford it; but for the moment I just don't think we can afford it.

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

Mr. CARTER: Mr. Speaker, I would like to pose a question through the Chair to anyone who can answer and my question is, does anyone know what the average annual enrollment is in one of the existing vocational institutions?

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

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

Mr. BENSON: I regret that I cannot accurately answer the question posed. They vary, I would suspect, all the way from 200 in some of the schools to maybe in excess of 600 in some of the others. I am sorry that isn't a better answer.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I think that when I quoted from the letter from Commissioner Logan that I might have touched on this and this may be the answer: Central Maine Vocational Technical Institute serves just under 400 day students and over 1200 adults in the evenings throughout the year, and Southern

Maine serves less than 600 day students and about 1200 adults in the evening programs; and to me these figures are dramatic in that they are serving anywhere from two to three times as many people in their evening schools as they are in their daytime schools.

I would like to thank Mr. Benson for bringing up the fact that the present schools are not full. Since there be no plant expense in the Waterville school, what difference would it make if it were only half full, it would be all profit. And he may rebut and say, "Well, they could be going to Portland or Lewiston." This isn't true because some of our youngsters just don't have the moneys and our industries couldn't be expected to send their people away for retraining on a basis of a full year. I think that if they could send them over in the evening for retraining that this would serve their purpose and it would also serve our purpose here in the Legislature.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have been wrestling with myself on this measure for weeks on end, and I just can't sit here and just listen to statements that are being made pro and con, and if I may be conceded for a moment I may say that I think I know as much about vocational education on all levels as anybody in this room.

The truth of the matter is this. That vocational education on the area high school level is not doing the job that it should be doing, be it in my area, be it in your area. The truth of the matter is that the vocational school on the regional level, that is the post-high school level, is not doing the job that it should be doing. And the reason that I wrestle with myself is because I must speak a little bit in a derogatory manner, if you please, possibly wherein it concerns certain areas of the state, and by the same token speak a little bit up above wherein it concerns my area. But the facts are the facts.

The truth of the matter is that in my humble opinion—and I know that I will be getting letters and

phone calls and everything else from the garden spot of Maine, but the truth of the matter is this—and I am not going to recant tomorrow and I am not going to recant the next day or the year after. The truth of the matter is that the vocational program on the regional level at Presque Isle is in my opinion a dismal failure. It is a program that they themselves are now admittedly are cutting off courses. It is a program whereby in some areas there were four instructors for eleven students—that is in four courses. It is in my opinion more a business college than a vocational school.

Now coming down a little closer to home, getting into Bangor, I cannot see where the program in Bangor should be rated summa cum laude. There are some courses there that should not be there. There are some courses there that are not complete. Now this program needs to be looked into.

Going—skipping my area, and going into Portland I think that the program in Portland—in South Portland is a good program. I think in some areas, however, it needs to be looked into and the people concerned with it themselves will admit that this is so.

Landing in Auburn, where somehow or other in 1963 the program jumped from Lewiston to Auburn, but I have accepted this. I think that the Central Maine Vocational Technical Institute would rate today, if a team of experts from all over the country would inspect it, as well as all the other schools, as one of the finest in the country, both on the basis of the manner of the construction of the program, the land where the program is being given, the courses themselves, and the instructors.

People from all over the State of New Hampshire are knocking at the door for these courses. We have innumerable courses. Imagine, this school started some four and a half years ago in one new building and now enjoys an enrollment of 1,700 for night courses. And as far as vacancies are concerned there may be vacancies in Presque Isle, there may be vacancies in Bangor, there may

be vacancies in South Portland, but believe me when I tell you that there is a waiting list for CMVTI. The class is graduating today—at two o'clock the graduation was today, and I have sent my regrets that I could not be there because obviously I am at this session. And every student that is graduating at CMVTI today can go to work at a job that is waiting for him tomorrow morning.

Now whether it be in my area or your area, that is what I call success, and I can tell you that possibly in my area there might have been things that people have done in my area that might have been not as successful—and before you say it, I will say it myself, “such as sending me here since 1945.” But we are not going to condemn ourselves with everything. What needs to be done—and I said so in my party caucuses before our campaigns, and I think that you people in the friendly opposition have indicated so—what needs to be done is a complete and thorough looksee into the vocational program both on a regional post-high school level and on an area high school level. And I say this to you frankly and honestly, as a true friend of vocational education, I have seen the school in Auburn built brick by brick—there is not one week that I don't visit inside or outside.

I am a firm believer—believe it—I remember many years ago when the Education Department was fighting against vocational education. I remember time after time when I presented a bill for a vocational program in my area that I was alone with maybe one or two exceptions that would come with me and befriend me in my endeavors. It is now a fact that vocational education is now using the Education Department to a degree, is now using vocational education as a crutch.

I have been quiet in committee—as a matter of fact I nearly signed the report on this the other way—but let's think to the debate. I would in my opinion be remiss in my duty if I may not clear the deck and I think if this program should be wrong here it might

well be that in some areas we have not done exactly everything that we should have done concerning the program that we have voted for in here.

And I say as far as Aroostook County is concerned that I have befriended them on so many occasions that the record would show for itself. I certainly would not want anything at all to happen to the program in Presque Isle, but I think the program in Presque Isle must be gone over thoroughly. I think the programs all over the state must be gone over thoroughly. And as far as I am concerned little is spent enough on this program here. It certainly would not bankrupt the state if we would encompass it.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I myself wrestled with the problem of signing this report. I rise to comment on the remarks made by the gentleman from Lewiston, Mr. Jalbert. There is no question in my mind and no question in the minds of the majority of the people on the Appropriations Committee that something must be done in the field of vocational education as far as evaluating the program that we now have, both in the field of vocational-technical institutes throughout the state and also the area vocational programs that we are embarked upon.

Now as far as Presque Isle is concerned, and to which the gentleman referred to, the phrase such as “with friends like that” — and I won't end it, — I would point out this: that both in the case of South Portland and in the case of Presque Isle, the State of Maine was so greedy and willing to accept a federal institution and a federal so-called gift that we embarked upon accepting it, and we accepted that gift, and then after we had we realized that we had more than we can chew.

This has been true in South Portland where we have been rebuilding buildings since we were there from the old Fort Preble, and the same thing is true from the

Presque Isle Air Force Base where we accepted some one hundred buildings from the Federal Government. We are now down to some thirty buildings and we are trying to maintain those.

It is no surprise to me that CMVTI is so much ahead of the others because it started from a new concept, it started from new buildings and it was able to grow on that basis, and in a few years Bangor will be doing the same thing as Lewiston or Auburn is now doing.

As far as vacancies are concerned in the institutions of the state, in vocational institutions, there are plenty of vacancies, but let me point out one reason why there are. In the case of Presque Isle for example, we have three dilapidated dorms where you expect students to live, and you will find that these dorms are filled to capacity even though the courses are not filled. Now Presque Isle happens to be at this time in an over employed period. If you are going to find room for these students, then I would be the first one to be willing to bet you one dollar that for every student that you can't place because of room.

Now as far as the vocational program is concerned on the high school level, we have just enacted a bill a few days ago where we will raise \$800,000 in bond issue to fulfill the commitment that this past legislature did in the field of building vocational schools on the area level — on the SAD level. \$800,000. This takes into account five SAD's or five districts. But you know what the problem is? It is that students are not attending these area schools from the other SAD's. In the case of South Portland, for example, very few students are coming from anywheres else but South Portland. In the case of Presque Isle where an awful lot of money was spent, of state money was spent, in building a large facility, you will find seven students outside of SAD I that are attending the vocational area high school.

Now these are the problems that we face in vocational education in this state, and the sooner the Department of Education and this Legislature realizes that this ex-

ists, the sooner we will be able to solve the problem. Now we can point to such things as the garden spot of Maine and say that they haven't done the job, but there are other reasons why this job has not been done.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It didn't take long for me to hear from Aroostook County, I can assure you of that. You know with friends like that, that just goes to show you the old adage, "What have you done for me lately?" Now if you would check the records since 1945, I think I have spoken more for projects in Aroostook County because there are more demands in Aroostook County than we asked for in my area.

Now I would like to try to explain something to the young man from Eagle Lake, Mr. Martin. We have more manufacturing industries within an area of five miles in my county than you have in your entire county. Mandatorily the demands for vocational education must be greater. There isn't anybody in this entire House who likes to go visit any more than I do in the area of Aroostook County. There isn't anybody who likes to sell the finest famous world-wide product, the potato, any more than I do, coming from another area but Aroostook County.

Now whether the gentleman from Eagle Lake, Mr. Martin wants to accept it or he does not want to accept it, CMVTI has not had a head of their school for the last three months, for the last six months, when one knew fully well that there were no duties expected of him. Now if the gentleman from Eagle Lake, Mr. Martin wants to pursue this with the mike up I shall ask to be heard for a third time and then we'll spend an hour or so here and I don't think he will be too happy. I don't want to.

I am a friend of vocational education. I want to improve on vocational educational. I said when the vocational educational program started in Presque Isle it was a bad program because in the first place they were inheriting too

many buildings that they would have to take care of. The gentleman from Eagle Lake, Mr. Martin knows fully well that at Presque Isle alone there are more caretakers and custodians than there are instructors at CMVTI. If that doesn't answer the point I don't know what will.

However, if you want to debate it with me for another hour it is perfectly all right with me. I have nothing to do; I have nowhere to go.

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

Mr. ALLEN: Mr. Speaker, Ladies and Gentlemen of the House: I do not rise to condemn nor to condone. I just want to say that through the last session and in this session as a member of the Education Committee I have been very much concerned about our direction in vocational education. I know of one state that has had vocational education in the high school and is a little concerned now as to whether or not it should have post-high school. I know of another state that is definitely post-high school and committed to it on the basis that with the advances in technology twenty years from now or less we will need the men with a high school graduation before they can get into trades.

I have been concerned because here in Maine we have gone off in two directions. We had post-graduate vocational schools and before we got them anywhere near perfect anywhere in the state we then began to go to schools within the high school and I am very glad to see that we are going to make a study to see which way we ought to go here in Maine because I think riding two horses, going off in two directions is too rich for our diet.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I didn't want to get into this but it does seem as though one who has been in school for so many years ought to say something on this subject.

I opposed the inception of this secondary high school vocational enterprise when it—oh, five or six years ago. I will estimate now that 75% of your educators are against secondary vocational education. This world is growing so large, developing so fast, you are not going to tie a fifteen or sixteen-year old kid down in high school today learning this trade or that trade. Now that is all I am going to say. I could say a lot more.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: To get back to my original question posed about six speakers ago, the reason that I asked what the average enrollment was was for a point of information. Now I understand it runs between 400 and 600 students and if that is the case at \$250 per year tuition I would certainly think that it is indeed time—I would go on to say, Mr. Speaker and Ladies and Gentlemen of the House, that at \$250 per student tuition per year and at an average enrollment of 400 I would think that this would be indeed a wise time to go into this new type of venture for I believe the State would profit tremendously from it, not just from the by-product of the institution but also fiscally. I urge you to support the motion.

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

Mr. BIRT: Mr. Speaker, just a couple of short comments. The comments that have been made about the two programs and the question as to the feasibility of at least one of them and whether a moratorium should be declared on it have been well taken on the Floor. I fear very much the undertaking of a third one until it has been more thoroughly studied and some positive recommendations made, and I would cite to you just one comment that back about six years ago there was a request in to develop a University of Maine in Augusta. Two years ago in our bond issue we were faced with putting a million and a half dol-

lars in there or somewhere in that nature to build a building. This is an example of how programs sometimes can go and also the problems that we may be faced with in attempting to close out a program that started on a trial basis.

I would wish personally that this could be studied more thoroughly before we undertake any third direction on vocational education.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey that the House accept the Minority "Ought to pass" Report in new draft.

The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All 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, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey that the House accept the Minority "Ought to pass" Report in new draft in concurrence on Bill "An Act Appropriating Moneys for a State Vocational and Technical Institute in Waterville," Senate Paper 477, L. D. 1554. All in favor of this motion will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA—Bedard, Berman, Bernier, Binnette, Bourgoin, Brennan, Buckley, Burnham, Carey, Carrier, Carter, Casey, Chandler, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Cottrell, Couture, Crommett, Croteau, Curran, D'Alfonso, Dam, Drigotas, Dyar, Eustis, Farnham, Faucher, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Hall, Hanson, Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Jalbert, Jameson, Kelley, R. P.; Keyte, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Mac-

Phail, Marquis, Marsteller, Martin, McKinnon, McTeague, Millett, Mills, Mitchell, Moreshead, Morgan, Nadeau, Ouellette, Ricker, Rideout, Ross, Sheltra, Snow, Starbird, Stillings, Tanguay, Temple, Tyndale, Vincent, Watson, Waxman, Wheeler, Wight, Williams.

NAY—Allen, Baker, Barnes, Benson, Birt, Boudreau, Bragdon, Brown, Bunker, Chick, Crosby, Curtis, Dennett, Donaghy, Durgin, Finemore, Hardy, Heselton, Immonen, Johnston, Kelleher, Lewin, Lincoln, Lund, McNally, Meisner, Mosher, Noyes, Page, Payson, Porter, Pratt, Quimby, Richardson, H. L.; Scott, C. F.; Scott, G. W.; Shaw, Soulas, Thompson, Trask, White, Wood.

ABSENT — Cox, Cummings, Cushing, Danton, Dudley, Emery, Erickson, Evans, Fecteau, Foster, Good, Harriman, Hunter, Jutras, Kelley, K. F.; Kilroy, Lewis, Norris, Rand, Richardson, G. A.; Rocheleau, Sahagian, Santoro, Susi. Yes, 84; No, 42; Absent, 24.

The SPEAKER: Eighty-four having voted in the affirmative and forty-two in the negative, the motion does prevail.

The New Draft was given its two several readings and tomorrow assigned.

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

HOUSE REPORT—Committee on Labor on Bill "An Act Establishing the Policeman's Arbitration Law and Amending the Fire Fighters Arbitration Law" (H. P. 604) (L. D. 785) reporting "Ought not to pass," as covered by other legislation.

Tabled—June 3, by Mr. Cote of Lewiston.

Pending—Acceptance.

On motion of Mr. Temple of Portland, retabled pending acceptance of Report and specially assigned for tomorrow.

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

MAJORITY REPORT (9)—Committee on Labor on Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees" (H. P. 24) (L. D. 27) report-

ing same in a new draft (H. P. 1235) (L. D. 1567) under same title and that it "Ought to pass" and MINORITY REPORT (1) reporting "Ought not to pass"

Tabled—June 3, by Mr. Durgin of Raymond.

Pending—Motion of Mr. Huber of Rockland to accept Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Parsonfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Parsonfield, Mr. Pratt moves that both Reports and Bill be indefinitely postponed.

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

Mr. McTEAGUE: Mr. Speaker, I would like to consume my one time at speaking by saying this is quite complex and I know that Representative Ross will have something to say on it.

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

Mr. ROSS: Mr. Speaker and Members of the House: In opposition to the motion of indefinite postponement, the purpose of this bill is to include all employees under Workmen's Compensation and the only exceptions would be domestic help and agricultural workers who are exempt under the present law. I have heard certain people say that we do not have to have such a law anyway.

The employer carries insurance so if one of his workers is injured he has the right to sue for damages but of course here is the rub, because neither the injured employee nor his widow could afford to do this. This specific bill has been around this session a long time. It was the earliest of all my bills that was heard. It was the very first bill heard by the Labor Committee. It was heard early in January. They gave it five months of consideration. It has now been amended by that Committee. It came out 9 to 1 "ought to pass" as amended.

Now they say in the amendment that the person either has to have Workmen's Compensation or if they don't choose to do that they can have some other employee's liability insurance. That amendment is perfectly agreeable with me. There is always the argument that certain insurance companies won't take the coverage. Perhaps this will be so in some instances but in these cases the employer notifies the Commission and gets coverage from an assigned risk pool.

Several people say that they can't afford it. Such a statement is completely unfounded. Insurance for a clerical worker would only be approximately \$21 per year, a grocery store clerk \$31 and a gas station worker \$42.

In summary I believe that all our employees of Maine should certainly have this protection. Some of the smaller places are just as hazardous as the larger ones and the passage of legislation such as this would be in the best interests of all the people of the State of Maine.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: In an attempt—although basically I as at least one member of the Committee that signed on the majority side of the 9 to 1 report, I agree with Mr. Ross and would much prefer the Workmen's Compensation over the Employers' Liability system. The Committee felt that we would be shirking our responsibility if we did not at least provide that the employers should carry Employers' Liability Insurance. I think the concept, the very important one presented by Mr. Ross' bill is this, that when a man is injured in his employment he should receive at least through Workmen's Compensation insurance his medical bills and hospital expenses and replacement of a portion, usually about two thirds, of his lost income.

This argument was originally made in Maine in the past in our legislature in about 1916. The result of not having this is not only a great hardship on families but

often burdens on the public due to the fact of injured people becoming welfare cases because their ability to work is wiped out or stopped for a while. Also when the father of a family is killed there is a need for compensation. There is just as much need for compensation if you are one among 3 employees as if you were one among 333.

We recognize that there may be certain administrative problems had by the insurance companies due to the fact that they would be writing, if you may, small policies. It certainly is much easier administratively and perhaps much more lucrative to write a policy for an employer employing three thousand men than it is for a small construction operator employing three men.

Because of this and because we frankly felt that there might be some opposition we included the option of Employers' Liability Insurance as a compromise. This was the same compromise reached in a prior legislature when the question arose regarding covering regular agricultural employees. It required an Employers' Liability policy and a \$1000 medical payments policy so that the medical bills are paid up to \$1000.

We have worked out an explanation of this which I think could be beneficial to the House—and I know that it is late in the day. I would hope this evening or early tomorrow morning to have sufficient copies made so that each member of the House may have access to the Committee's thoughts that were behind this redraft. I therefore hope that some member of the House will table this for one legislative day.

Thereupon, Mr. Huber of Rockland moved that the matter be tabled one legislative day.

The SPEAKER: The gentleman from Rockland, Mr. Huber, moves that item 5, L. D. 27, be tabled until tomorrow pending the motion of the gentleman from Parsonsfield, Mr. Pratt, that both Reports and Bill be indefinitely postponed.

Whereupon, Mr. Ross of Bath requested a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled until tomorrow will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

57 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

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

Bill "An Act to Clarify the State Museum Law (H. P. 296) (L. D. 372)

Tabled — June 3, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed as amended by House Amendment "A"

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

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

Bill "An Act relating to Services of Premises Not Licensed Under the Liquor Laws" (H. P. 1223) (L. D. 1555)

Tabled — June 3, by Mr. Chandler of Orono.

Pending — Passage to be engrossed.

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

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

Bill "An Act relating to Salaries of County Officers in the Several Counties of the State" (H. P. 1230) (L. D. 1563)

Tabled — June 3, by Mr. Mills of Eastport.

Pending — Passage to be engrossed.

On motion of Mr. Kelley of Machias, retabled pending passage to be engrossed and specially assigned for tomorrow.

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

Resolve Proposing an Amendment to the Constitution to Provide

for Direct Initiative to Amend the Constitution (S. P. 239) (L. D. 714)

Tabled — June 3, by Mr. Martin of Eagle Lake.

Pending — Final passage.

On motion of Mr. Martin of Eagle Lake, retabled pending final passage and specially assigned for tomorrow.

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

Bill "An Act Increasing the Gasoline Tax" (H. P. 1217) (L. D. 1549)

Tabled — June 3, by Mr. Lee of Albion.

Pending—Motion of Mr. Fecteau of Biddeford to reconsider passage to be engrossed as amended by House Amendment "A" H-398.

On motion of Mr. Susi of Pittsfield, retabled pending the motion of Mr. Fecteau of Biddeford to reconsider and specially assigned for tomorrow.

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

Bill "An Act Creating a School Administrative District for the City of Portland" (H. P. 805) (L. D. 1044) (Committee Amendment "A" H-398 adopted)

Tabled — June 3, by Mrs. Wheeler of Portland.

Pending — Motion of Mr. Chick of Monmouth to indefinitely postpone.

Mr. Cottrell of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-462) was read by the Clerk.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I think we all recognize that checks and balances are fundamental in our total system of government, and we find that in the structure of our SAD's. The bill as presently offered did not have an effective check on the budgets offered by the possible directors of the SAD or the bond issues. And so I presented this amendment which simply makes it possible, without having a town meeting in Portland, to give the City Council of

Portland the final check on the budget and the bonding.

In our regular SAD's all budgets must be passed on by a vote of the citizenry and all bond issues must be passed on by a vote of the citizenry. And I thought this would make a very sensible type of SAD with these checks for Portland, which is sort of embarking on a new type of SAD.

It may be said that we will not bother with amendments like this, we will pass this out for referendum without any effective controls; and we could do it. But it seems to me as responsive legislators in passing things out for referendum we should use our powers of scrutiny to present anything we pass out for referendum, in a most reasonable structure we will say. And so I hope that you will accept this amendment and then I hope you would defeat the motion to indefinitely postpone the bill.

The SPEAKER: The pending question is the adoption of House Amendment "A". The Chair recognizes the gentleman from Portland, Mr. Waxman.

Mr. WAXMAN: Mr. Speaker and Ladies and Gentlemen of the House: The hour is late. I imagine everyone here is fairly tired and somewhat weary after the strenuous debate that we have listened to today. I will try to be very brief.

The amendment offered by Mr. Cottrell would in effect completely offset any possible advantage the City of Portland might have in forming a separate bonding authority for its schools. Now why do I say this?

The second part of the amendment which reads "subject to the approval of the City Council having to do with bond issues" would not be acceptable to bond counsel in any way, shape or form. In fact, if the City Council were to have the power to pass favorably or unfavorably upon any bond issue the School Administrative District could not issue bonds and in effect the advantage which we would accrue under the bill would not be there at all.

So as much as I am aware of the desire of Mr. Cottrell to insure what he feels are necessary checks

I submit that this would totally emasculate one third of this bill and would render it useless. I therefore would hope that you would vote against House Amendment "A" and that you would pass the bill as amended by Committee Amendment "A" to be engrossed.

The SPEAKER: The pending question is the adoption of House Amendment "A". Does the gentleman move indefinite postponement of House Amendment "A"?

Mr. WAXMAN: Yes, I move indefinite postponement.

The SPEAKER: The gentleman from Portland, Mr. Waxman now moves the indefinite postponement of House Amendment "A".

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

Mr. COTTRELL: Mr. Speaker and Members of the House: May I say one quick word here. I do not see how the approval of the Council is going to disturb the issuing of bonds by the school administrators in any way. It is simply a check. The School District will be deeded all of the school property. The bonds to be issued will be issued only at their proposal for school purposes and this is simply a check on the issuing of the bonds.

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

Mr. WAXMAN: Mr. Speaker and Ladies and Gentlemen of the House: This is not my opinion, this is the advice of bond counsel relevant to this matter. I am sure the ladies and gentleman of this body are aware how technical the issuance of bonds can be at some-time and at one time or another we have been called upon as a body to approve an issuance of bonds because of a slight variation in technicalities at the local level. I am sure you are aware of this and this would be a flagrant violation of the understanding that would be entered into if we were to become a School Administrative District. This is not my opinion, but this is the facts as they are.

When the vote is taken, Mr. Speaker, I request that it be taken by the yeas and nays.

The SPEAKER: Is the House ready for the question? The gentleman from Portland, Mr. Waxman moves that House Amendment "A" be indefinitely postponed. He further moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Waxman that House Amendment "A" 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 recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker, just a question of inquiry here.

The SPEAKER: The gentleman may pose his question.

Mr. COTTRELL: I don't believe it is House Amendment "A" we are voting on, is it? I heard —

The SPEAKER: The Chair would advise the gentleman that he offered House Amendment "A" and not having been adopted, the gentleman from Portland, Mr. Waxman moved the indefinite postponement of House Amendment "A". Is the House ready for the question?

All in favor of indefinite postponement of House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEAS — Allen, Barnes, Bedard, Benson, Bernier, Binnette, Boudreau, Bourgoin, Brown, Bunker, Burnham, Carey, Casey, Chandler, Clark, C. H.; Corson, Crommett, Croteau, Curtis, Dam, Dri-gotas, Dyar, Eustus, Farnham, Faucher, Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Hall, Hanson, Hawkens, Heselton, Hich-

ens, Huber, Jalbert, Kelleher, Kelley, R. P.; Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lund, MacPhail, Marquis, Martin, McKinnon, McTeague, Mills, Mitchell, Moreshead, Morgan, Mosher, Noyes, Ouellette, Payson, Richardson, H. L.; Ricker, Ross, Sahagian, Snow, Starbird, Stillings, Tanguay, Temple, Thompson, Tyndale, Vincent, Waxman, Wheeler, White, Wight, Williams, Wood.

NAYS — Baker, Berman, Birt, Carter, Chick, Clark, H. G.; Cottrell, Crosby, Curran, Dennett, Donaghy, Finemore, Fortier, A. J.; Haskell, Henley, Hewes, Immonen, Jameson, Johnston, Kelley, K. F.; Lincoln, Marstaller, McNally, Millett, Page, Porter, Pratt, Quimby, Scott, C. F.; Scott, G. W.; Shaw, Soulas, Trask.

ABSENT — Bragdon, Brennan, Buckley, Carrier, Coffey, Cote, Couture, Cox, Cummings, Cushing, D'Alfonso, Danton, Dudley, Durgin, Emery, Erickson, Evans, Fecteau, Foster, Good, Hardy, Harriman, Hunter, Jutras, Keyte, Kilroy, Lewis, Meisner, Nadeau, Norris, Rand, Richardson, G. A.; Rideout, Rocheleau, Santoro, Shetra, Susi, Watson.

Yes, 79; No, 33; Absent, 38.

The **SPEAKER**: Seventy-nine having voted in the affirmative and thirty-three in the negative, the motion does prevail.

The pending question now is on the motion of the gentleman from Monmouth, Mr. Chick that this Bill 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.

56 voted in the affirmative and 54 voted in the negative.

Whereupon, Mr. Waxman of Portland requested the yeas and nays.

The **SPEAKER**: The gentleman from Portland, Mr. Waxman requests that the vote be taken by the yeas and nays. For the Chair to order a roll call 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, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The **SPEAKER**: The pending question is on the motion of the gentleman from Monmouth, Mr. Chick that Bill "An Act Creating a School Administrative District for the City of Portland," House Paper 805, L. D. 1044, as amended by Committee Amendment "A", be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Berman, Birt, Bragdon, Bunker, Carter, Chick, Clark, H. G.; Cottrell, Crosby, Dam, Dennett, Eustis, Finemore, Fortier, A. J.; Hall, Haskell, Henley, Heselton, Hewes, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewin, Lincoln, Lund, MacPhail, Marstaller, McNally, Meisner, Millett, Moreshead, Mosher, Page, Pratt, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Soulas, Thompson, Trask, Tyndale, White, Wight, Williams, Wood.

NAY — Bedard, Benson, Bernier, Binnette, Boudreau, Bourgoin, Brown, Burnham, Casey, Chandler, Clark, C. H.; Corson, Crommett, Croteau, Curran, Curtis, Drigotas, Dyar, Farnham, Faucher, Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Hawken, Hichens, Huber, Jalbert, Jameson, Kelleher, Laberge, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, McKinnon, McTeague, Mills, Mitchell, Morgan, Nadeau, Noyes, Ouellette, Payson, Porter, Quimby, Richardson, H. L.; Ricker, Snow, Starbird, Stillings, Tanguay, Temple, Vincent, Waxman, Wheeler.

ABSENT — Brennan, Buckley, Carey, Carrier, Coffey, Cote, Couture, Cox, Cummings, Cushing, D'Alfonso, Danton, Donaghy, Dudley, Durgin, Emery, Erickson, Evans, Fecteau, Foster, Good, Hanson, Hardy, Harriman, Hunter, Jutras, Keyte, Kilroy, Lewis, Norris, Rand, Richardson, G. A.; Rideout, Rocheleau, Santoro, Shetra, Susi, Watson.

Yes, 53; No, 59; Absent, 38.

The SPEAKER: Fifty-three having voted in the affirmative and fifty-nine in the negative, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

Bill "An Act Revising the General Laws Governing the Town Manager Form of Government" (H. P. 900) (L. D. 1161)

Tabled — June 3, by Mr. Chandler of Orono.

Pending — Passage to be engrossed as amended by Committee Amendment "A" (H-409).

On motion of Mr. Dam of Skowhegan, under suspension of the rules, the House reconsidered its action on May 28 whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-457) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

House Amendment "A" (H-458) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and House Amendment "A" and sent to the Senate.

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

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) (In House, recommitted to the Committee on Judiciary) (In Senate, Report accepted).

Tabled — June 3, by Mrs. Payson of Falmouth.

Pending -- Further consideration.

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

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

The SPEAKER: The gentleman from Houlton, Mr. Berman moves that the House recede and concur.

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

Mr. RICHARDSON: Mr. Speaker, because an amendment is in the course of preparation by the Attorney General, I would request some member of the House to table this matter until the next legislative day.

Whereupon, on motion of Mr. Berman of Houlton, tabled pending his motion to recede and concur and specially assigned for tomorrow.

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

SENATE REPORT — Leave to Withdraw — Committee on Appropriations and Financial Affairs on Resolve to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine" (S. P. 364) (L. D. 1246) (In Senate, accepted)

Tabled — June 3, by Mr. Birt of East Millinocket.

Pending — Acceptance in concurrence.

Thereupon, the Leave to Withdraw Committee Report was accepted in concurrence.

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

Bill "An Act Regulating Snowmobiles" (S. P. 455) (L. D. 1501) (In Senate, passed to be engrossed as amended by Senate Amendment "C" S-180)

Tabled — June 3, by Mr. Finemore of Bridgewater.

Pending — Motion of Mr. Richardson of Cumberland to reconsider adoption of House Amendment "A" (H-424).

Thereupon, the House reconsidered the adoption of House Amendment "A".

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

of the House that House Amendment "A" be adopted? It's a vote.

The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: My remarks of last Thursday on L. D. 1501 were just a prelude to what I have to say today. I will try not to repeat myself other than to say L. D. 1501 is workable, realistic and meaningful if amended to make it workable, realistic and meaningful.

During the past two years, talking with snowmobile owners, municipal officials, people in and out of government and many Legislators of this 104th Legislature, there has never been any indication that the taxing of snowmobiles was a money making scheme to fatten the coffers of the municipalities.

From these talks it is my considered judgment it was their desire that some system of uniformity be worked out without imposing an unjust and unequal tax burden on the snowmobile owners, as in the past, through the inequities of tax assessment.

My town, the Town of Millinocket can get along very nicely without tax revenue from snowmobiles. Many industrial towns can do the same. Smaller towns cannot. They need the tax dollars from any source. Why penalize a man with an unjust tax because of necessity or desire for living in his home town? A man and his sled like a man and his dog are much the same throughout the state.

The sponsor of L. D. 1501 stated at the hearing before the Transportation Committee he was agreeable to a uniform equitable fee. The opposition to this came from the Executive Secretary of the Maine Municipal Association. It was brought out at the hearing that he does not speak for all 496 municipalities, only a small percentage of those belonging to the Association. This is his job. I find it hard to believe that the municipalities which he represents wish to continue the archaic practice of assessment which is now under dispute throughout the state.

The Transportation Committee recommended a registration fee of \$10 in lieu of taxes, \$4 to be retained by the Department of Inland Fisheries and Game for administration and enforcement and \$6 to be returned to the municipalities in accordance with the address of registrant on application. Now what could be simpler?

At this date and age it is assumed that all snowmobile owners can read and write and for six cents they can mail their application or six can get together and mail them to the Department for one cent each. In mailing the registration certificate to individuals it is going to cost less than six cents due to the meter system. Application forms should be furnished to the wardens and dealers and any assistance requested should be given freely.

The idea of municipal clerks acting as agents for the Department sounds like a proposal from the Fish and Game Department. They got crossed up somewhere, for you can bet your bottom dollar it was not their idea to have the twenty-five cents taken from their share. I do not condone for one minute the verbal abuse heaped on the heads of the collectors. It would be the same old story. The clerks would not like it, neither would the snowmobile owners. For harmony and peace of mind on this controversial subject it would be well to keep these two factions apart.

When the redraft of 586 was heard before the Transportation Committee the division of fees was not discussed. After the Committee recommended \$6 for the towns and \$4 for the Department of Inland Fisheries and Game somewhere along the line, before L. D. 1501 was printed, someone decided the State Parks and Recreation Commission should have \$1 of the fees originally intended for the Fish and Game Department. I am opposed to this. If their request is valid today it certainly was valid two years ago while all the registration money was going to the Highway Commission. Under the present law there is no way to get their fingers on it.

There are federal grants for such purposes if desired and based on around 20,000 sleds the State Parks and Recreation Commission is asking nearly three times as much as a federal grant given to the State of Vermont for snowmobile trails. This money is coming out of the Department of Inland Fisheries and Game, reducing their effectiveness in enforcement and indirectly from the pockets of the snowmobile owners, many of whom will never have an opportunity to visit a State Park.

Now we have L. D. 396, a bill authorizing a bond issue for \$1,900,000. The State Park's share is \$1,738,000. If I remember correctly it was tabled for one day. Now you know as well as I do that the Department Heads have a lobby and some find it expedient not to oppose.

At the hearing on 1501 all the snowmobilitists were in favor of 586. Now that was the bill that eliminated all taxes, and only one made reference to 1501 with the regulatory authority vested in the Commissioner of Inland Fisheries and Game. They spoke of the economy of the State. They quoted the by-laws of the Maine Snowmobile Association, acquisition of land, club houses built and Dollars for Scholars are all worthy of mention. All this under the present law. Certainly they can do as well with a uniform fixed fee. It would seem that they had a fixation of mind "no taxes." Now this the Committee on Transportation did not buy and to me it is unrealistic.

I quote from a conversation I had with the Executive Secretary of the Maine Snowmobile Association and this is what he said, "We really didn't think we could get by without any taxes. We wanted to have some fun with the Committee."

This indicates to me irresponsibility and lack of maturity.

Now there is a bill pending, that will be 1569, sponsored by the gentleman from Bath, Mr. Ross and endorsed by Mr. Johnson of the Bureau of Taxation for a registration fee in lieu of taxes on water craft.

Several times on the Floor of this House you have heard discussed and with great ability the inequities of tax assessment throughout the state by the gentleman from Rumford, Mr. Fortier.

You have before you Amendments B, C, D and E and also F for your consideration. I believe they are justified and I support each one. They will make L. D. 1501 workable, realistic and meaningful.

Senate Amendment "C" nullifies the intent and purpose of the Transportation Committee and for that reason, Mr. Speaker, I move for the indefinite postponement of Senate Amendment "C".

The SPEAKER: The Chair would remind the gentleman that the motion is not in order.

During consideration of the above matter,

On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.